



PPG Industries, Inc. One PPG Place Pittsburgh, Pennsylvania 15272

Joseph M. Karas
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Law Department
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August 15, 1996

VIA FAX (212/637-3115) & CERTIFIED MAIL

Amelia Wagner
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency
290 Broadway
17th Floor
New York, NY 10007-1866

Re: Diamond Alkali Superfund Site
Passaic River Study Area

Dear Ms. Wagner:

As I indicated in our telephone conversation several weeks ago, PPG is in the process of conducting a diligent search for information in response to the Request for Information regarding the above-referenced site. The Request for Information focuses on PPG's former coatings and resins plant located at 29 Riverside Avenue, Newark, New Jersey which was sold by PPG 25 years ago.

As a result of the passage of so much time, we are having a difficult time finding information responsive to your request. Based upon a number of the questions in the request, it appears that EPA may have certain information describing PPG's former Newark facility. We hope that you can assist in expediting the Agency's response to PPG's Freedom of Information Act (FOIA) request so that we might use this information to assist in our response.

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Amelia Wagner
August 15, 1996
Page 2

Since we have not yet received a response to our FOIA request and as a result of the difficulty in locating accurate information and reviewing old documents, PPG requires additional time to complete its response to the Agency's request. We, therefore, request a 30-day extension to the deadline for submitting our response. I discussed this request with Pat Hick per your phone message to me. She indicated that it would be acceptable provided that PPG provide a partial response which addresses property ownership issues. As a result, the attached response addresses questions 14 and 15 of the Request for Information.

Please call if you have questions.

Sincerely,



Joseph M. Karas
Assistant Counsel

cc: Patricia Hick
T. J. Ebbert

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Diamond Alkali Superfund Site - Passaic River Study Area

Partial Response to Request for Information

PPG Industries, Inc.

Below is a partial response to the above-described Request for Information. The balance of PPG's response will be submitted under separate cover.

14) a) Has your company owned the facility at the location designated above? If so, from whom did your company purchase the property and in what year? If your company subsequently sold the property, to whom did your company sell it and in what year? Please provide copies of any deeds and documents of sale.

PPG purchased the land for the facility in the early 1900's from various individuals and built the facilities on the site. By deed dated August 2, 1971, the property was conveyed to Riverside Avenue Properties, Inc. Riverside subsequently defaulted on the mortgage and the property was sold at a sheriff's auction in December, 1975 to 57 Maple Avenue Corp. It is our understanding that 57 Maple Avenue Corporation subsequently sold the property to Merit Enterprises, Inc. The deed transferring the property from PPG to Riverside is attached.

b) If your company did not own the facility, from whom did your company rent the facility and for what years? Please provide copies of any rental agreements.

Not applicable.

15. Answer the following questions regarding your business or company. In identifying a company that no longer exists, provide all the information requested, except for the agent for service of process. If your company did business under more than one name, list each name.

a) State the legal name of your company.

PPG Industries, Inc.

b) State the name and address of the president or the chairman of the board, or other presiding officers of your company.

*Jerry E. Dempsey,
Chairman of the Board and Chief Executive Officer
PPG Industries, Inc.
One PPG Place
Pittsburgh, PA 15272*

c) Identify the state of incorporation of your company and your company's agent for service of process in the state of incorporation and in New Jersey.

State of incorporation: Pennsylvania

Agent for service of process in New Jersey:

*The Prentice-Hall Corporation System, New Jersey, Inc.
830 Bear Tavern Road
West Trenton, New Jersey 08628*

d) Provide a copy of your company's "Certificate of Incorporation" and any amendments thereto.

Articles of Incorporation are attached.

e) If your company is a subsidiary or affiliate of another company, or has subsidiaries, or is a successor to another company, identify these related companies. For each related company, describe the relationship to your company; indicate the date and manner in which each relationship was established.

PPG's former Newark paint plant was constructed in approximately 1902 by the Patton Paint Company, a Wisconsin corporation, which was a subsidiary of Pittsburgh Plate Glass Company. Around 1920, Patton Paint Company was merged into Pittsburgh Plate Glass, which changed its name in April, 1968 to PPG Industries, Inc. PPG has numerous other subsidiaries and affiliates, none of which are relevant to the Newark property or this response.

f) Identify any predecessor organization and the dates that such company became part of your company.

See response to 15(e).

g) Identify the date of incorporation, state of incorporation, agents for service of process in the state of incorporation and New Jersey, and nature of business activity, for each company identified the responses to items (14) (e), (f), and (g), above.

See response to 15(e).

Microfilm Number

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Filed with the Department of State on

APR 24 1995

Entity Number

284424

Secretary of the Commonwealth

ARTICLES OF AMENDMENT-DOMESTIC BUSINESS CORPORATION

DSCB: 15-1915 (Rev 90)

In compliance with the requirements of 15 Pa.C.S. § 1915 (relating to articles of amendment), the undersigned business corporation, desiring to amend its Articles, hereby states that:

1. The name of the corporation is: PPG Industries, Inc.

2. The (a) address of this corporation's current registered office in this Commonwealth or (b) name or its commercial re-registered office provider and the county of venue is (the Department is hereby authorized to correct the following information to conform to the records of the Department):

(a) One PPG Place,	Pittsburgh,	Pennsylvania	15272	Allegheny
Number and Street	City	State	Zip	County

(b) c/o: _____
Name of Commercial Registered Office Provider County

For a corporation represented by a commercial registered office provider, the county in (b) shall be deemed the county in which the corporation is located for venue and official publication purposes.

3. The statute by or under which it was incorporated is: See Exhibit B attached hereto and made a part hereof

4. The date of its incorporation is: August 24, 1883

5. (Check, and if appropriate complete, one of the following):

☒ The amendment shall be effective upon filing these Articles of Amendment in the Department of State.

☐ The amendment shall be effective on: _____ at _____
Date Hour

6. (Check one of the following):

☐ The amendment was adopted by the shareholders (or members) pursuant to 15 Pa.C.S. § 1914(a) and (b).

☒ The amendment was adopted by the board of directors pursuant to 15 Pa.C.S. § 1914(c)

7. (Check, and if appropriate complete, one of the following):

☐ The amendment adopted by the corporation, set forth in full, is as follows:

☒ The amendment adopted by the corporation is set forth in full in Exhibit A attached hereto and made a part hereof.

APR 24 95

PA Dept. of State

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8. (Check if the amendment restates the Articles):

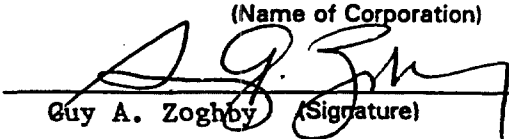
X The restated Articles of Incorporation supersede the original Articles and all amendments thereto.

IN TESTIMONY WHEREOF, the undersigned corporation has caused these Articles of Amendment to be signed by a duly authorized officer thereof this 21st day of April, 19 95.

PPG Industries, Inc.

(Name of Corporation)

BY:


Guy A. Zoghby (Signature)

TITLE: Senior Vice President & General Counsel

RESTATED
ARTICLES OF INCORPORATION
AS AMENDED
OF
PPG INDUSTRIES, INC.

FIRST. The name of the corporation is PPG Industries, Inc.

SECOND. The location and post office address of its registered office in the Commonwealth of Pennsylvania is One PPG Place, Pittsburgh, Pennsylvania 15272.

THIRD. The purpose or purposes of the corporation, which exists under the Business Corporation Law of 1933, as amended, are:

- (a) To manufacture, buy, sell, install, and deal in goods, wares, and merchandise of all descriptions;
- (b) To mine, contract, quarry, drill, or bore for, produce, buy, and sell coal, limestone, sand, clay, gypsum, oil, ores, mineral salt, natural gas (sales to be made at the mouth of the well and at wholesale only), and other minerals and mineral substances;
- (c) To engage in building construction, as contractor or otherwise; and
- (d) To engage in research, engineering, and developmental work.

The corporation shall also have unlimited power to engage in and to do any lawful act concerning any or all lawful business for which corporations may be incorporated under the Business Corporation Law of 1933, as amended.

FOURTH. The term of its existence is perpetual.

FIFTH. 5.1 The aggregate number of shares of all classes of capital stock which the corporation shall have authority to issue is 610,000,000, of which 10,000,000 shares shall be Preferred Stock, without par value, issuable in one or more series and 600,000,000 shares shall be Common Stock, par value \$1.66 2/3 per share.

5.2 The Board of Directors is hereby expressly authorized, at any time or from time to time, to divide any or all of the shares of Preferred Stock into one or more series, and in the resolution or resolutions establishing a particular series, before issuance of any

APR 24 95

PA Dept. of State

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of the shares thereof, to fix and determine the number of shares and the designation of such series, so as to distinguish it from the shares of all other series and classes, and to fix and determine the preferences, voting rights, qualifications, privileges, limitations, options, conversion rights, restrictions and other special or relative rights of the Preferred Stock or of such series, to the fullest extent now or hereafter permitted by the laws of the Commonwealth of Pennsylvania, including, but not limited to, the variations between different series in the following respects:

- (a) the distinctive designation of such series and the number of shares which shall constitute such series, which number may be increased or decreased (but not below the number of shares thereof then outstanding) from time to time by the Board of Directors;
- (b) the annual dividend rate for such series, and the date or dates from which dividends shall commence to accrue;
- (c) the price or prices at which, and the terms and conditions on which, the shares of such series may be made redeemable;
- (d) the purchase or sinking fund provisions, if any, for the purchase or redemption of shares of such series;
- (e) the preferential amount or amounts payable upon shares of such series in the event of the liquidation, dissolution or winding up of the corporation;
- (f) the voting rights, if any, of shares of such series;
- (g) the terms and conditions, if any, upon which shares of such series may be converted and the class or classes or series of shares of the corporation or other securities into which such shares may be converted;
- (h) the relative seniority, parity or junior rank of such series as to dividends or assets with respect to any other classes or series of stock then or thereafter to be issued; and
- (i) such other terms, qualifications, privileges, limitations, options, restrictions, and special or relative rights and preferences, if any, of shares of such series as the Board of Directors may, at the time of such resolution or resolutions, lawfully fix and determine under the laws of the Commonwealth of Pennsylvania.

Unless otherwise provided in a resolution or resolutions establishing any particular series, the aggregate number of authorized shares of

Preferred Stock may be increased by an amendment of the Restated Articles approved solely by a majority vote of the outstanding shares of Common Stock (or solely with a lesser vote of the Common Stock, or solely by action of the Board of Directors, if permitted by law at the time).

All shares of any one series shall be alike in every particular, except with respect to the accrual of dividends prior to the date of issuance.

Attached hereto as Exhibit A and incorporated herein by reference is a statement of the designation and number of shares and of the voting rights, preferences, limitations and special rights, if any, of the first series of the Preferred Stock, as previously determined by a resolution adopted by the Board of Directors pursuant to this Section 5.2.

5.3 Except for and subject to those rights expressly granted to the holders of Preferred Stock or any series thereof by resolution or resolutions adopted by the Board of Directors pursuant to Section 5.2 of this Article Fifth and except as may be provided by the laws of the Commonwealth of Pennsylvania, the holders of Common Stock shall have exclusively all other rights of shareholders.

5.4(a) No holder of Common Stock or of any other class of stock of the corporation shall be entitled as such, as a matter of right, to subscribe for or purchase any part of any new or additional issue of stock of any class or of securities convertible into any stock of any class, whether now or hereafter authorized and whether issued for cash or other consideration or by way of dividend, and the corporation may issue shares, option rights or securities having option or conversion rights without first offering them to shareholders of any class.

(b) The holders of Common Stock shall have the right of cumulative voting in all elections of directors.

SIXTH. 6.1 The business and affairs of the corporation shall be managed by a Board of Directors comprised as follows:

- (a) The Board of Directors shall consist of not less than 9 nor more than 17 persons, the exact number to be fixed from time to time by the Board of Directors pursuant to a resolution adopted by a majority vote of the directors then in office;
- (b) Directors shall, from and after the annual meeting of shareholders held in 1987, continue to be classified with respect to the time for which they shall severally hold office by dividing them into 3 classes, as nearly equal in number as possible. At such meeting and at each succeeding

annual meeting of shareholders, the class of directors then being elected shall be elected to hold office for a term of 3 years. Each director shall hold office for the term for which elected and until his or her successor shall have been elected and qualified;

- (c) Subject to the rights of the holders of any series of Preferred Stock then outstanding, any director, any class of directors, or the entire Board of Directors, may be removed from office by shareholder vote at any time, with or without assigning any cause, but only if shareholders entitled to cast at least 80% of the votes which all shareholders would be entitled to cast at an annual election of directors or of such class of directors shall vote in favor of such removal; provided, however, that no individual director shall be removed (unless the entire Board of Directors or any class of directors be removed) in case the votes cast against such removal would be sufficient, if voted cumulatively for such director, to elect him or her to the class of directors of which he or she is a member; and
- (d) Subject to the rights of the holders of any series of Preferred Stock then outstanding, vacancies in the Board of Directors, including vacancies resulting from an increase in the number of directors, shall be filled only by a majority vote of the remaining directors then in office, though less than a quorum, except that vacancies resulting from removal from office by a vote of the shareholders may be filled by the shareholders at the same meeting at which such removal occurs. All directors elected to fill vacancies shall hold office for a term expiring at the annual meeting of shareholders at which the term of the class to which they have been elected expires. No decrease in the number of directors constituting the Board of Directors shall shorten the term of any incumbent director.

6.2 Notwithstanding any other provisions of law, the Restated Articles or the Bylaws of the corporation, the affirmative vote of the holders of at least 80% of the voting power of the then outstanding shares of capital stock of the corporation entitled to vote in an annual election of directors, voting together as a single class, shall be required to amend or repeal, or to adopt any provision inconsistent with, this Article Sixth.

SEVENTH. 7.1 A higher than majority shareholder vote for certain Business Combinations shall be required as follows (all capitalized terms being used as subsequently defined herein):

- (a) In addition to any affirmative vote required by law or the Restated Articles, and except as otherwise expressly provided in Section 7.2 of this Article Seventh:

(1) any merger or consolidation of the corporation or any Subsidiary with (A) any Interested Shareholder or with (B) any other corporation (whether or not itself an Interested Shareholder) which is, or after such merger or consolidation would be, an Affiliate or Associate of an Interested Shareholder;

(2) any sale, lease, exchange, mortgage, pledge, transfer or other disposition (in one transaction or a series of transactions) to or with any Interested Shareholder or any Affiliate or Associate of any Interested Shareholder of any assets of the corporation or any Subsidiary having an aggregate Fair Market Value of \$10,000,000 or more;

(3) the issuance or sale by the corporation or any Subsidiary (in one transaction or a series of transactions) of any securities of the corporation or any Subsidiary to any Interested Shareholder or any Affiliate or Associate of any Interested Shareholder in exchange for cash, securities or other consideration (or a combination thereof) having an aggregate Fair Market Value of \$10,000,000 or more;

(4) the adoption of any plan or proposal for the liquidation or dissolution of the corporation proposed by or on behalf of any Interested Shareholder or any Affiliate or Associate of any Interested Shareholder; or

(5) any reclassification of securities (including any reverse stock split), or recapitalization of the corporation, or any merger or consolidation of the corporation with any of its Subsidiaries or any other transaction (whether or not with or into or otherwise involving an Interested Shareholder) which has the effect, directly or indirectly, of increasing the proportionate share of the outstanding shares of any class of equity securities or securities convertible into equity securities of the corporation or any Subsidiary which is directly or indirectly owned by any Interested Shareholder or any Affiliate or Associate of any Interested Shareholder;

shall require the affirmative vote of the holders of at least 80% of the voting power of the then outstanding shares of capital stock of the corporation entitled to vote in an annual election of directors (the "Voting Stock"), voting together as a single class. Such affirmative vote shall be required notwithstanding the fact that no

vote may be required, or that a lesser percentage may be specified, by law or in any agreement with any national securities exchange or otherwise.

- (b) The term "Business Combination" as used in this Article Seventh shall mean any transaction which is referred to in any one or more of clauses (1) through (5) of paragraph (a) of Section 7.1 of this Article Seventh.

7.2 The provisions of Section 7.1 of this Article Seventh shall not be applicable to any Business Combination, and such Business Combination shall require only such affirmative vote (if any) as is required by law, any other provision of the Restated Articles or any agreement with any national securities exchange, if all of the conditions specified in either of the following paragraphs (a) or (b) are met:

- (a) The Business Combination shall have been approved by a majority of the Continuing Directors; or
- (b) All of the following six conditions shall have been met:

- (1) The transaction constituting the Business Combination shall provide for a consideration to be received by holders of Common Stock in exchange for their stock, and the aggregate amount of the cash and the Fair Market Value as of the date of the consummation of the Business Combination of consideration other than cash to be received per share by holders of Common Stock in such Business Combination shall be at least equal to the highest of the following:

- (A) (if applicable) the highest per share price (including any brokerage commissions, transfer taxes and soliciting dealers' fees) paid in order to acquire any shares of Common Stock beneficially owned by the Interested Shareholder which were acquired (i) within the two-year period immediately prior to the first public announcement of the proposed Business Combination (the "Announcement Date") or (ii) in the transaction in which it became an Interested Shareholder, whichever is higher;
- (B) the Fair Market Value per share of Common Stock on the Announcement Date or on the date on which the Interested Shareholder became an Interested Shareholder (the "Determination Date"), whichever is higher; and

- (C) (if applicable) the price per share equal to the Fair Market Value per share of Common Stock determined pursuant to clause (B) immediately preceding, multiplied by the ratio of (i) the highest per share price (including any brokerage commissions, transfer taxes and soliciting dealers' fees) paid in order to acquire any shares of Common Stock beneficially owned by the Interested Shareholder which were acquired within the two-year period immediately prior to the Announcement Date to (ii) the Fair Market Value per share of Common Stock on the first day in such two-year period on which the Interested Shareholder beneficially owned any shares of Common Stock.

(2) If the transaction constituting the Business Combination shall provide for a consideration to be received by holders of any class of outstanding Voting Stock other than Common Stock and other than Institutional Voting Stock, the aggregate amount of the cash and the Fair Market Value as of the date of the consummation of the Business Combination of consideration other than cash to be received per share by holders of shares of such Voting Stock shall be at least equal to the highest of the following (it being intended that the requirements of this clause (b)(2) shall be required to be met with respect to every class of outstanding Voting Stock (other than Institutional Voting Stock), whether or not the Interested Shareholder beneficially owns any shares of a particular class of Voting Stock):

- (A) (if applicable) the highest per share price (including any brokerage commissions, transfer taxes and soliciting dealers' fees) paid in order to acquire any shares of such class of Voting Stock beneficially owned by the Interested Shareholder which were acquired (i) within the two-year period immediately prior to the Announcement Date or (ii) in the transaction in which it became an Interested Shareholder, whichever is higher;
- (B) (if applicable) the highest preferential amount per share to which the holders of shares of such class of Voting Stock are entitled in the event of any voluntary or involuntary liquidation, dissolution or winding up of the corporation;

- (C) the Fair Market Value per share of such class of Voting Stock on the Announcement Date or on the Determination Date, whichever is higher; and
- (D) (if applicable) the price per share equal to the Fair Market Value per share of such class of Voting Stock determined pursuant to clause (C) immediately preceding, multiplied by the ratio of (i) the highest per share price (including any brokerage commissions, transfer taxes and soliciting dealers' fees) paid in order to acquire any shares of such class of Voting Stock beneficially owned by the Interested Shareholder which were acquired within the two-year period immediately prior to the Announcement Date to (ii) the Fair Market Value per share of such class of Voting Stock on the first day in such two-year period on which the Interested Shareholder beneficially owned any shares of such class of Voting Stock.

(3) The consideration to be received by holders of a particular class of outstanding Voting Stock (including Common Stock) shall be in cash or in the same form as was previously paid in order to acquire shares of such class of Voting Stock which are beneficially owned by the Interested Shareholder. If the Interested Shareholder beneficially owns shares of any class of Voting Stock which were acquired with varying forms of consideration, the form of consideration to be received by holders of such class of Voting Stock shall be either cash or the form used to acquire the largest number of shares of such class of Voting Stock beneficially owned by it.

(4) After such Interested Shareholder has become an Interested Shareholder and prior to the consummation of such Business Combination: (A) except as approved by a majority of the Continuing Directors, there shall have been no failure to declare and pay at the regular date therefor any full quarterly dividends (whether or not cumulative) on any outstanding Preferred Stock; (B) there shall have been (i) no reduction in the annual rate of dividends paid on the Common Stock (except as necessary to reflect any subdivision of the Common Stock), except as approved by a majority of the Continuing Directors, and (ii) an increase in such annual rate of dividends (as necessary to prevent any such reduction) in the event of any reclassification (including any reverse stock split), recapitalization, reorganization or any similar transaction which has the effect of reducing

the number of outstanding shares of the Common Stock, unless the failure so to increase such annual rate is approved by a majority of the Continuing Directors; and (C) such Interested Shareholder shall not have become the beneficial owner of any additional shares of Voting Stock except as part of the transaction in which it became an Interested Shareholder.

(5) After such Interested Shareholder has become an Interested Shareholder, such Interested Shareholder shall not have received the benefit, directly or indirectly (except proportionately as a shareholder), of any loans, advances, guarantees, pledges or other financial assistance or any tax credits or other tax advantages provided by the corporation, whether in anticipation of or in connection with such Business Combination or otherwise.

(6) A proxy or information statement describing the proposed Business Combination and complying with the requirements of the Securities Exchange Act of 1934 and the rules and regulations thereunder (or any subsequent provisions replacing such Act, rules or regulations) shall be mailed to public shareholders of the corporation at least 30 days prior to the consummation of such Business Combination (whether or not such proxy or information statement is required to be mailed pursuant to such Act or subsequent provisions).

7.3 For the purposes of this Article Seventh:

- (a) A "person" shall mean any individual, firm, corporation or other entity.
- (b) "Interested Shareholder" at any particular time shall mean any person (other than the corporation or any Subsidiary) who or which:
 - (1) is at such time the beneficial owner, directly or indirectly, of more than 20% of the voting power of the outstanding Voting Stock;
 - (2) is at such time a director of the corporation and at any time within the two-year period immediately prior to such time was the beneficial owner, directly or indirectly, of more than 20% of the voting power of the then outstanding Voting Stock; or
 - (3) is at such time an assignee of or has otherwise succeeded to the beneficial ownership of any shares of

Voting Stock which were at any time within the two-year period immediately prior to such time beneficially owned by any Interested Shareholder, if such assignment or succession shall have occurred in the course of a transaction or series of transactions not involving a public offering within the meaning of the Securities Act of 1933.

- (c) A person shall be a "beneficial owner" of any shares of Voting Stock:
 - (1) which such person or any of its Affiliates or Associates beneficially owns, directly or indirectly;
 - (2) which such person or any of its Affiliates or Associates has (A) the right to acquire (whether or not such right is exercisable immediately) pursuant to any agreement, arrangement or understanding or upon the exercise of conversion rights, exchange rights, warrants or options, or otherwise, or (B) the right to vote pursuant to any agreement, arrangement or understanding; or
 - (3) which are beneficially owned, directly or indirectly, by any other person with which such person or any of its Affiliates or Associates has any agreement, arrangement or understanding for the purpose of acquiring, holding, voting or disposing of any shares of Voting Stock.
- (d) For the purposes of determining whether a person is an Interested Shareholder pursuant to paragraph (b) of this Section 7.3, the number of shares of Voting Stock deemed to be outstanding shall include shares deemed owned by an Interested Shareholder through application of paragraph (c) of this Section 7.3 but shall not include any other shares of Voting Stock which may be issuable pursuant to any agreement, arrangement or understanding, or upon the exercise of conversion rights, exchange rights, warrants or options, or otherwise.
- (e) "Affiliate" or "Associate" shall have the respective meanings ascribed to such terms in Rule 12b-2 of the General Rules and Regulations under the Securities Exchange Act of 1934, as in effect on February 17, 1983 (the term "registrant" in said Rule 12b-2 meaning in this case the corporation).

- (f) "Subsidiary" means any corporation of which a majority of any class of equity security is owned, directly or indirectly, by the corporation; provided, however, that for the purposes of the definition of Interested Shareholder set forth in paragraph (b) of this Section 7.3, the term "Subsidiary" shall mean only a corporation of which a majority of each class of equity security is owned, directly or indirectly, by the corporation.
- (g) "Continuing Director" means any member of the Board of Directors of the corporation who is unaffiliated with, and not a representative of, the Interested Shareholder and was a member of the Board of Directors prior to the time that the Interested Shareholder became an Interested Shareholder, and any successor of a Continuing Director who is unaffiliated with, and not a representative of, the Interested Shareholder and is recommended to succeed a Continuing Director by a majority of the Continuing Directors then on the Board of Directors.
- (h) "Fair Market Value" means: (1) in the case of stock, the highest closing sale price during the 30-day period immediately preceding the date in question of a share of such stock on the Composite Tape for New York Stock Exchange-Listed Stocks, or, if such stock is not quoted on the Composite Tape, on the New York Stock Exchange, or, if such stock is not listed on such Exchange, on the principal United States securities exchange registered under the Securities Act of 1934 on which such stock is listed, or, if such stock is not listed on any such exchange, the highest closing bid quotation with respect to a share of such stock during the 30-day period preceding the date in question on the National Association of Securities Dealers, Inc. Automated Quotations System or any system then in use, or if no such quotations are available, the fair market value on the date in question of a share of such stock as determined by the Board of Directors in good faith; and (2) in the case of property other than cash or stock, the fair market value of such property on the date in question as determined by the Board of Directors in good faith.
- (i) "Institutional Voting Stock" shall mean any class of Voting Stock which was issued to and continues to be held solely by one or more insurance companies, pension funds, commercial banks, savings banks or

similar financial institutions or institutional investors.

- (j) In the event of any Business Combination in which the corporation survives, the phrase "consideration other than cash to be received" as used in paragraph (b) of Section 7.2 of this Article Seventh shall include the shares of Common Stock and/or the shares of any other class of outstanding Voting Stock retained by the holders of such shares.

7.4 The Board of Directors shall have the power and duty to determine for the purposes of this Article Seventh, on the basis of information known to them after reasonable inquiry, (a) whether a person is an Interested Shareholder, (b) the number of shares of Voting Stock beneficially owned by any person, (c) whether a person is an Affiliate or Associate of another, (d) whether a class of Voting Stock is Institutional Voting Stock and (e) whether the assets which are the subject of any Business Combination have, or the consideration to be received for the issuance or transfer of securities by the corporation or any Subsidiary in any Business Combination has, an aggregate Fair Market Value of \$10,000,000 or more. Any such determination made in good faith shall be binding and conclusive on all parties.

7.5 Nothing contained in this Article Seventh shall be construed to relieve any Interested Shareholder from any fiduciary obligation imposed by law.

7.6 Notwithstanding any other provisions of law, the Restated Articles or the Bylaws of the corporation, the affirmative vote of the holders of at least 80% of the voting power of the then outstanding shares of Voting Stock, voting together as a single class, shall be required to amend or repeal, or to adopt any provision inconsistent with, this Article Seventh.

EIGHTH. To the fullest extent that the laws of the Commonwealth of Pennsylvania, as in effect on January 27, 1987, or as thereafter amended, permit the elimination or limitation of the liability of directors, no director of the corporation shall be personally liable for monetary damages as such for any action taken, or any failure to take any action, as a director. This Article Eighth shall not apply to any actions filed prior to January 27, 1987, nor to any breach of performance of duty or any failure of performance of duty by any director occurring prior to January 27, 1987. The provisions of this Article Eighth shall be deemed to be a contract with each director of the corporation who serves as such at any time while such provisions are in effect, and each such director shall be deemed to be serving as such in reliance on such provisions. Any amendment to or repeal of

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this Article Eighth, or adoption of any other Article or Bylaw of the corporation, which has the effect of increasing director liability shall require the affirmative vote of at least 80% of the voting power of the then outstanding shares of capital stock of the corporation entitled to vote in an annual election of directors, voting together as a single class. Any such amendment or repeal, or other Article or Bylaw, shall operate prospectively only and shall not have effect with respect to any action taken, or any failure to act, by a director prior thereto.

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Statement of the designation and
number of shares and of the voting
rights, preferences, limitations and
special rights, if any, of the first
series of the Preferred Stock

Section 1. Designation and Amount. The shares of such series shall be designated as "Series A Junior Participating Preferred Stock" (the "Series A Preferred Stock") and the number of shares constituting the Series A Preferred Stock shall be 1,500,000. Such number of shares may be increased or decreased by resolution of the Board of Directors; provided, that no decrease shall reduce the number of shares of Series A Preferred Stock to a number less than the number of shares then outstanding plus the number of shares reserved for issuance upon the exercise of outstanding options, rights or warrants or upon the conversion of any outstanding securities issued by the Corporation convertible into Series A Preferred Stock.

Section 2. Dividends and Distributions.

(A) Subject to the rights of the holders of any shares of any series of Preferred Stock (or any similar stock) ranking prior and superior to the Series A Preferred Stock with respect to dividends, the holders of shares of Series A Preferred Stock, in preference to the holders of Common Stock, par value \$1.66-2/3 per share (the "Common Stock"), of the Corporation, and of any other junior stock, shall be entitled to receive, when, as and if declared by the Board of Directors out of funds legally available for the purpose, quarterly dividends payable in cash on the first day of March, June, September and December in each year (each such date being referred to herein as a "Quarterly Dividend Payment Date"), commencing on the first Quarterly Dividend Payment Date after the first issuance of a share or fraction of a share of Series A Preferred Stock, in an amount per share (rounded to the nearest cent) equal to the greater of (a) \$1 or (b) subject to the provision for adjustment hereinafter set forth, 100 times the aggregate per share amount of all cash dividends, and 100 times the aggregate per share amount (payable in kind) of all non-cash dividends or other distributions, other than a dividend payable in shares of Common Stock or a subdivision of the outstanding shares of Common Stock (by reclassification or otherwise), declared on the Common Stock since the immediately preceding Quarterly Dividend Payment Date or, with respect to the first Quarterly Dividend Payment Date, since the first issuance of any share or fraction of a share of Series A Preferred Stock. In the event the Corporation shall at any time declare or pay any dividend on the Common Stock payable in shares

of Common Stock, or effect a subdivision or combination or consolidation of the outstanding shares of Common Stock (by reclassification or otherwise than by payment of a dividend in shares of Common Stock) into a greater or lesser number of shares of Common Stock, then in each such case the amount to which holders of shares of Series A Preferred Stock were entitled immediately prior to such event under clause (b) of the preceding sentence shall be adjusted by multiplying such amount by a fraction, the numerator of which is the number of shares of Common Stock outstanding immediately after such event and the denominator of which is the number of shares of Common Stock that were outstanding immediately prior to such event.

(B) The Corporation shall declare a dividend or distribution on the Series A Preferred Stock as provided in paragraph (A) of this Section immediately after it declares a dividend or distribution on the Common Stock (other than a dividend payable in shares of Common Stock); provided that, in the event no dividend or distribution shall have been declared on the Common Stock during the period between any Quarterly Dividend Payment Date and the next subsequent Quarterly Dividend Payment Date, a dividend of \$1 per share on the Series A Preferred Stock shall nevertheless be payable on such subsequent Quarterly Dividend Payment Date.

(C) Dividends shall begin to accrue and be cumulative on outstanding shares of Series A Preferred Stock from the Quarterly Dividend Payment Date next preceding the date of issue of such shares, unless the date of issue of such shares is prior to the record date for the first Quarterly Dividend Payment Date, in which case dividends on such shares shall begin to accrue from the date of issue of such shares, or unless the date of issue is a Quarterly Dividend Payment Date or is a date after the record date for the determination of holders of shares of Series A Preferred Stock entitled to receive a quarterly dividend and before such Quarterly Dividend Payment Date, in either of which events such dividends shall begin to accrue and be cumulative from such Quarterly Dividend Payment Date. Accrued but unpaid dividends shall not bear interest. Dividends paid on the shares of Series A Preferred Stock in an amount less than the total amount of such dividends at the time accrued and payable on such shares shall be allocated pro rata on a share-by-share basis among all such shares at the time outstanding. The Board of Directors may fix a record date for the determination of holders of shares of Series A Preferred Stock entitled to receive payment of a dividend or distribution declared thereon, which record date shall be not more than 50 days prior to the date fixed for the payment thereof.

(D) The annual dividend on the Series A Preferred Stock shall be equal to the sum of the quarterly dividends in each year.

Section 3. Voting Rights. The holders of shares of Series A Preferred Stock shall have the following voting rights:

(A) Subject to the provision for adjustment hereinafter set forth, each share of Series A Preferred Stock shall entitle the holder thereof to 100 votes on all matters submitted to a vote of the shareholders of the Corporation, and such holders shall have the right to cumulative voting in all elections of Directors. In the event the Corporation shall at any time declare or pay any dividend on the Common Stock payable in shares of Common Stock, or effect a subdivision or combination or consolidation of the outstanding shares of Common Stock (by reclassification or otherwise than by payment of a dividend in shares of Common Stock) into a greater or lesser number of shares of Common Stock, then in each such case the number of votes per share to which holders of shares of Series A Preferred Stock were entitled immediately prior to such event shall be adjusted by multiplying such number by a fraction, the numerator of which is the number of shares of Common Stock outstanding immediately after such event and the denominator of which is the number of shares of Common Stock that were outstanding immediately prior to such event.

(B) Except as otherwise provided herein, in any other Statement creating a series of Preferred Stock or any similar stock, or by law, the holders of shares of Series A Preferred Stock and the holders of shares of Common Stock and any other capital stock of the Corporation having general voting rights shall vote together as one class on all matters submitted to a vote of shareholders of the Corporation.

(C) Except as set forth herein, or as otherwise provided by law, holders of Series A Preferred Stock shall have no special voting rights and their consent shall not be required (except to the extent they are entitled to vote with holders of Common Stock as set forth herein) for taking any corporate action.

Section 4. Certain Restrictions.

(A) Whenever quarterly dividends or other dividends or distributions payable on the Series A Preferred Stock as provided in Section 2 are in arrears, thereafter and until all accrued and unpaid dividends and distributions, whether or not declared, on shares of Series A Preferred Stock outstanding shall have been paid in full, the Corporation shall not:

(i) declare or pay dividends, or make any other distributions, on any shares of stock ranking junior (either as to dividends or upon liquidation, dissolution or winding up) to the Series A Preferred Stock;

(ii) declare or pay dividends, or make any other distributions, on any shares of stock ranking on a parity (either as to dividends or upon liquidation, dissolution or winding up) with the Series A Preferred Stock, except dividends paid ratably on the Series A Preferred Stock and all such parity stock on which dividends are payable or in arrears in proportion to the total amounts to which the holders of all such shares are then entitled;

(iii) redeem or purchase or otherwise acquire for consideration shares of any stock ranking junior (either as to dividends or upon liquidation, dissolution or winding up) to the Series A Preferred Stock, provided that the Corporation may at any time redeem, purchase or otherwise acquire shares of any such junior stock in exchange for shares of any stock of the Corporation ranking junior (either as to dividends or upon dissolution, liquidation or winding up) to the Series A Preferred Stock; or

(iv) redeem or purchase or otherwise acquire for consideration any shares of Series A Preferred Stock, or any shares of stock ranking on a parity with the Series A Preferred Stock, except in accordance with a purchase offer made in writing or by publication (as determined by the Board of Directors) to all holders of such shares upon such terms as the Board of Directors, after consideration of the respective annual dividend rates and other relative rights and preferences of the respective series and classes, shall determine in good faith will result in fair and equitable treatment among the respective series or classes.

(B) The Corporation shall not permit any subsidiary of the Corporation to purchase or otherwise acquire for consideration any shares of stock of the Corporation unless the Corporation could, under paragraph (A) of this Section 4, purchase or otherwise acquire such shares at such time and in such manner.

Section 5. Reacquired Shares. Any shares of Series A Preferred Stock purchased or otherwise acquired by the Corporation in any manner whatsoever shall be retired and cancelled promptly after the acquisition thereof. All such shares shall upon their cancellation become authorized but unissued shares of Preferred Stock and may be reissued as part of a new series of Preferred Stock subject to the conditions and restrictions on issuance set forth herein, in the Restated Articles of Incorporation, as amended, or in any other Statement creating a series of Preferred Stock or any similar stock or as otherwise required by law.

Section 6. Liquidation, Dissolution or Winding Up. Upon any liquidation, dissolution or winding up of the Corporation, no distribution shall be made (1) to the holders of shares of stock ranking junior (either as to dividends or upon liquidation, dissolution or winding up) to the Series A Preferred Stock unless, prior thereto, the holders of shares of Series A Preferred Stock shall have received \$100 per share, plus an amount equal to accrued and unpaid dividends and distributions thereon, whether or not declared, to the date of such payment, provided that the holders of shares of Series A Preferred Stock shall be entitled to receive an aggregate amount per share, subject to the provision for adjustment hereinafter set forth, equal to 100 times the aggregate amount to be distributed per share to holders of shares of Common Stock, or (2) to the holders of shares of stock ranking on a parity (either as to dividends or upon liquidation, dissolution or winding up) with the Series A Preferred Stock, except distributions made ratably on the Series A Preferred Stock and all such parity stock in proportion to the total amounts to which the holders of all such shares are entitled upon such liquidation, dissolution or winding up. In the event the Corporation shall at any time declare or pay any dividend on the Common Stock payable in shares of Common Stock, or effect a subdivision or combination or consolidation of the outstanding shares of Common Stock (by reclassification or otherwise than by payment of a dividend in shares of Common Stock) into a greater or lesser number of shares of Common Stock, then in each such case the aggregate amount to which holders of shares of Series A Preferred Stock were entitled immediately prior to such event under the provision in clause (1) of the preceding sentence shall be adjusted by multiplying such amount by a fraction, the numerator of which is the number of shares of Common Stock outstanding immediately after such event and the denominator of which is the number of shares of Common Stock that were outstanding immediately prior to such event.

Section 7. Consolidation, Merger, etc. In case the Corporation shall enter into any consolidation, merger, combination or other transaction in which the shares of Common Stock are exchanged for or changed into other stock or securities, cash and/or any other property, then in any such case each share of Series A Preferred Stock shall at the same time be similarly exchanged or changed into an amount per share, subject to the provision for adjustment hereinafter set forth, equal to 100 times the aggregate amount of stock, securities, cash and/or any other property (payable in kind), as the case may be, into which or for which each share of Common Stock is changed or exchanged. In the event the Corporation shall at any time declare or pay any dividend on the Common Stock payable in shares of Common Stock, or effect a subdivision or combination or consolidation of the outstanding shares of Common Stock (by reclassification or otherwise than by payment of a dividend in shares of Common Stock) into a greater or lesser number of shares of Common Stock, then in

each such case the amount set forth in the preceding sentence with respect to the exchange or change of shares of Series A Preferred Stock shall be adjusted by multiplying such amount by a fraction, the numerator of which is the number of shares of Common Stock outstanding immediately after such event and the denominator of which is the number of shares of Common Stock that were outstanding immediately prior to such event.

Section 8. No Redemption. The shares of Series A Preferred Stock shall not be redeemable.

Section 9. Fractional Shares. The Corporation may issue fractions and certificates representing fractions of a share of Series A Preferred Stock in integral multiples of 1/100th of a share of Series A Preferred Stock, or in lieu thereof, at the election of the Board of Directors of the Corporation at the time of the first issue of any shares of Series A Preferred Stock, evidence such fractions by depositary receipts, pursuant to an appropriate agreement between the Corporation and a depositary selected by it, provided that such agreement shall provide that the holders of such depositary receipts shall have all the rights, privileges and preferences to which they would be entitled as beneficial owners of shares of Series A Preferred Stock. In the event that fractional shares of Series A Preferred Stock are issued, the holders thereof shall have all the rights provided herein for holders of full shares of Series A Preferred Stock in the proportion which such fraction bears to a full share.

Section 10. Amendment. The Restated Articles of Incorporation, as amended, of the Corporation shall not be amended in any manner which would materially alter or change the powers, preferences or special rights of the Series A Preferred Stock so as to affect them adversely without the affirmative vote of the holders of two-thirds of the outstanding shares of Series A Preferred Stock, voting together as a single class.

The corporation was formed under the Act of the General Assembly of the Commonwealth of Pennsylvania dated the 29th day of April, 1874, as shown by its Certificate of Incorporation dated the 24th day of August, 1883, and thereafter reincorporated as a consolidated corporation under the Act of the General Assembly of the Commonwealth of Pennsylvania dated the 3rd day of May, 1909, as shown by Letters Patent of such consolidated corporation issued by the Governor of the Commonwealth and dated the 3rd day of November, 1920.

Exhibit B

853230027

This Indenture,

Made the 2nd day of August, in the year of our Lord
One Thousand Nine Hundred and seventy one.

Between

PPG Industries, Inc. formerly known as Pittsburgh
Plate Glass Company,
A corporation of Pennsylvania

in the City of Pittsburgh County of Allegheny
and State of Pennsylvania party of the first part;

And

Riverside Avenue Properties, Inc.
A corporation of New Jersey,
maintaining an office at Room 717,
17 Academy Street

in the City of Newark County of Essex
and State of New Jersey party of the second part;

Witnesseth, That the said party of the first part, for and in consideration of
Four hundred and twenty five thousand dollars (\$425,000.)

lawful money of the United States of America, to it in hand well and truly paid by the said
party of the second part, at or before the sealing and delivery of these presents, the receipt whereof is
hereby acknowledged, and the said party of the first part being therewith fully satisfied, contented and
paid, has given, granted, bargained, sold, aliened, released, enfeoffed, conveyed and confirmed and by
these presents do es give, grant, bargain, sell, alien, release, enfeoff, convey and confirm unto the said
party of the second part, and to its successors
and assigns, forever,

All those certain

tracts or parcels of land and premises, hereinafter particularly described, situate, lying and being
in the City of Newark County of Essex
and State of New Jersey.

TRACT No. 1. BEGINNING at the intersection of the northerly line of
land of the party of the First Part with the easterly line of the right of
way of the Paterson and Newark Railroad; from thence running along the line of
said right of way southerly three hundred twelve feet and seventy-six one-
hundredths of a foot to the northerly line of Herbert Place, as recently laid
out by ordinance passed October 18, 1894 by the Board of Street and Water
Commissioners of the City of Newark; thence along the northerly line of said
Place south fifty degrees forty-six minutes east three hundred eight feet and
eighty-seven one-hundredths of a foot to the dock line of the Passaic River;
thence along the same north thirty-six degrees six minutes east three hundred
fifty-four feet and eighty-eight one-hundredths of a foot more or less; thence
still along the same north thirty-eight degrees, two minutes east eight feet
and fifteen one-hundredths of a foot to the aforesaid northerly line of the
party of the First Part which is also the southerly line of land conveyed by
The Triton Boat Club of Newark to the Patton Paint Company, the first party
hereto, by Deed dated May 16, 1902, and recorded in Book I-35 of Deeds, for
Essex County, on pages 270 - 272; thence along the same north sixty degrees
west about three hundred twenty-one feet to the easterly line of the aforesaid
right of way and the place of beginning.

TOGETHER with all the dock rights and privileges of the
party of the First Part acquired by the grantor herein from Rowena L. Gibbs or
otherwise and all rights or license now owned or possessed by said party of
the First Part to a right of way or crossing across the track of the Paterson
and Newark Branch of the Erie Railroad.

853230028

Being the same premises which Rowena E. Gibbs, by Indenture dated the 19th day of May 1902, and recorded in the Register's Office of the County of Essex, New Jersey, in Book I-35 of Deeds, at Pages 266 to 270, granted and conveyed unto the said Patton Paint Company.

TRACT No. 2. BEGINNING in the center line of the River Road leading from Newark to Belleville, where the same intersects the northerly line of land late of Rowena Gibbs; and from thence running along said center line of the River Road, north forty-nine degrees thirteen minutes east one hundred feet; thence south sixty degrees east about two hundred and thirty feet to high water mark of the Passaic River; thence along the same southerly one hundred feet to said line late of Rowena Gibbs, and thence along her line north sixty degrees west to the place of beginning. Excepting from the above premises, land sold by John C. Bennett and wife to the Newark and Paterson Railroad Company for its right of way.

AND ALSO all the wharf, dock, pier and riparian rights late of the Triton Club of Newark, acquired by virtue of the license from the freeholders of Essex and Hudson Counties to said Triton Boat Club, dated June twenty-fifth eighteen hundred and eighty-eight, and recorded in the Register's Office of the County of Essex on the fourteenth day of November, eighteen hundred and eighty-eight, in Book K-24, of Deeds, for said County, on page 133, and in the Office of the Register of the County of Hudson, on the twentieth day of June, eighteen hundred and ninety-one, in Book 529 of Deeds for said County, on page 300.

BEING the same premises which The Triton Boat Club of Newark, by Indenture dated May 16, 1902, and recorded in the Register's Office of the County of Essex, on the 19th day of May 1902, in Book I-35 of Deeds, Pages 270 to 272, inclusive, granted and conveyed unto the said Patton Paint Company, party of the First Part. A portion of the two tracts above referred to being also included in the grant of the Riparian Commissioners of New Jersey, made, executed and delivered on the 26th day of February, 1903, and duly recorded in the Register's Office of the County of Essex, on the 2nd day of April, 1903, in Book D-36 of Deeds, at Pages 587 to 591, inclusive, granted and conveyed unto the said Patton Paint Company, party of the First Part.

TRACT No. 3. BEGINNING at a corner formed by the intersection of the easterly line of the River Road leading from Newark to Belleville, and the southerly line of Chester Avenue, as the same is laid out and opened by the City of Newark; thence running along said southerly line of Chester Avenue south, sixty-one degrees and thirty-nine minutes east eleven feet and one-hundredths of a foot; thence north, thirty degrees and forty-seven minutes east thirty-two feet and twenty-eight one-hundredths of a foot to said easterly line of River Road aforesaid; thence along said River Road north forty-nine degrees twenty-one minutes east one hundred and thirty-three feet and twenty-nine one-hundredths of a foot to land formerly belonging to Stoutenburg, Day & Reock; thence along the same south sixty degrees and sixteen minutes east one hundred and forty-five feet more or less to the high water line of the Passaic River; thence along the same southerly one hundred and eighty-five feet more or less to land conveyed to George H. Phillips by Deed recorded in Book T23 of Deeds, pages 210 etc.; thence along the same north sixty degrees west two hundred and sixteen feet more or less to the easterly line of the River Road aforesaid; thence along the same north forty-nine degrees and twenty-one minutes east twenty-seven feet and twelve one-hundredths of a foot to the place of beginning.

TRACT No. 4. BEGINNING at a point in the original high water line of the westerly shore of Passaic River where the same is intersected by the division line between lands formerly of Stoutenburg, Day and Reock, and lands

of the said Peter Kroll; and from thence easterly in line with said division line extended one hundred and thirty (130) feet more or less to the Exterior Wharf established by the Commissioners under an act of the Legislature of the State of New Jersey entitled "An Act respecting the lines of Wharves, docks, ships and piers on the Passaic River in the Counties of Essex and Hudson", approved April 1st, 1872, copies of which maps are filed in the offices of the County Clerks of the Counties of Essex and Hudson aforesaid and adopted by the Commissioners appointed under the authority of the act entitled "An Act to ascertain the rights of the State and of Riparian Owners in the lands lying under the water of the Bay of New York and elsewhere in this State", approved April 11th A.D. 1864 and the supplements thereto; thence along said Exterior Wharf line south thirty-eight degrees and nine minutes west (S.38° 09' W.) one hundred eighty-seven and 13/100 (187.13) feet more or less to the northerly line of lands under water granted by the State of New Jersey to Patton Paint Company February 26th, 1903; thence westerly along the northerly line of lands so granted three hundred and five (305) feet more or less to the original high water line of the westerly shore of the Passaic River where the same is intersected by the division line between lands of said Patton Paint Company and lands of the said Peter Kroll; thence northeasterly along said original high water line to the place of beginning.

Together with all and singular the rights and privileges there-
by granted.

Together with all the right, title and interest of the party of the first part to any part of the Passaic River lying in the front of the premises hereby conveyed, also to the center line of the River Road lying adjacent.

BEING the same premises which Attridge Mahon, of the City of New York, County and State of New York, by Indenture dated June 13, 1920, and recorded in the Register's Office of the County of Essex, the 2nd day of July, 1920, in Book W-63 of Deeds, on pages 413- 415 inclusive, granted and conveyed unto the said Patton Paint Company, party of the first part.

TRACT NO. 5

ALL that piece or parcel of land and premises, situate, lying and being in the City of Newark, County of Essex and State of New Jersey, being a portion of certain land and premises heretofore conveyed to said party of the first part by Eben B. Thomas, Individually and as Surviving Trustee, and wife, by deed dated January 26, 1906, and recorded in the office of the Register of Essex County in Liber U-39 of Deeds at page 228 &c, bounded and described as follows:

BEGINNING at the point of intersection of the northerly line of land conveyed to said party of the first part as aforesaid with the easterly line of Riverside Avenue (Old River Road), said northerly line being also the dividing line between property now or formerly of Dennin Coal Company and the party of the first part; thence along said northerly line

South sixty-seven degrees, fifty-seven minutes, fifty seconds East (S. 67° 57' 50" E.) one hundred thirty-eight and six tenths (138.6) feet more or less to low water mark of the Passaic River; thence southwesterly along said low water mark two hundred eighty-one (281) feet more or less to a point in the division line between lands conveyed to said party of the first part as aforesaid and lands of the Pittsburgh Plate Glass Company; thence North sixty-seven degrees, fifty-seven minutes and fifty seconds West (N. 67° 57' 50" W.) along said division line one hundred seventy-eight and two tenths (178.2) feet to a point in the aforesaid easterly line of Riverside Avenue (Old River Road); thence along said last mentioned line North forty-one degrees, forty-four minutes and ten seconds East (N. 41° 44' 10" E.) two hundred ninety-two and thirty-one one hundredths (292.31) feet to the place of beginning.

TOGETHER with all the right, title and interest of said party of the first part of, in and to the waters of Passaic River and the land underlying the same lying in front of the above described parcel.

This conveyance is made subject to the provisions of an Indenture from said Erie Land and Improvement Company to The Paterson, Newark and New York Railroad Company and the City of Newark, New Jersey, dated *May - 20th* 1925, granting to said Railroad Company and City, their successors and assigns, the right to encroach on the premises hereinabove described with the slopes of Riverside Avenue (Old River Road), to which Indenture, recorded in the Records of Deeds for Essex County, New Jersey, for a full recital of the rights therein granted, reference is hereby particularly made.

TRACT NO. 6

B E G I N N I N G at a point in the former high water line of the northwesterly shore of Passaic River where the same is intersected by the division line between lands now or formerly of Dennis Coal Company and lands of the said Pittsburgh Plate Glass Company, said point being distant South 67° 29' East eighty-six (86) feet from the southeasterly line of Riverside Avenue as laid out fifty (50) feet wide;

Thence (1) South 67° 29' East binding upon the grant made by the State of New Jersey May 27, 1897 to Passaic Boat Club and the grant to The Chester Company made April 28, 1924, one hundred and seven (107) feet to the Pierhead and Bulkhead Line approved by the Assistant Secretary of War May 22, 1916, and adopted by the Board of Commerce and Navigation appointed under the authority of the act entitled "An Act creating a department to be known as the Board of Commerce and Navigation, and vesting therein all the powers and duties now devolved, by law, upon the Board of Riparian Commissioners, the Department of Inland Waterways, the Inspectors of Power Vessels, and the New Jersey Harbor Commission," approved April 8, 1915, and other acts and joint resolutions of the Legislature of said State;

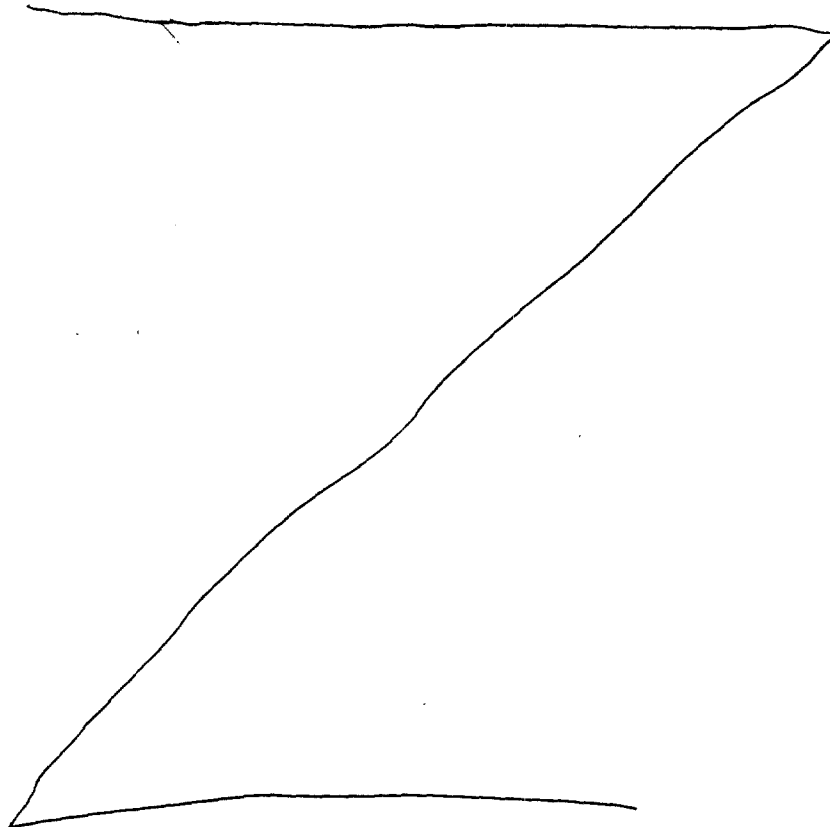
Thence (2) South 23° 00' West, following said Pierhead and Bulkhead Line, fifty-three and seventy-seven hundredths (53.77) feet to a point;

Thence (3) South 28° 50' West, still following said Pierhead and Bulkhead Line, two hundred and twenty-one and seven hundredths (221.07) feet to a point;

Thence (4) North 67° 57' West, binding upon the grant made by the State of New Jersey June 16, 1913 to Peter Kroll, one hundred and twenty-eight and eighty hundredths (128.80) feet to the former high water line of the northwesterly shore of Passaic River;

Thence (5) Northeastwardly, following said high water line to the place of BEGINNING.

Being a riparian Grant from the State of New Jersey dated August 17, 1925 recorded in Liber H 1, Folio 75, etc.



TRACT NO. 7

d BEGINNING at a point in the southwesterly line of Herbert Place distant 59.37 feet southeasterly from the southeasterly corner of Herbert Place and Passaic Street as the latter is laid out 40 feet in width easterly adjoining the Mount Pleasant Cemetery, said beginning point being in the division line between land of the Erie Railroad and the City of Newark; thence running along the southwesterly line of Herbert Place south 51 degrees 25' east 280.47 feet to the wharf line of the Passaic River as recited in a deed from the State of New Jersey by Commissioners to the Mount Pleasant Cemetery Company and recorded in Book C-21 of Deeds for Essex County, page 445, said wharf line being the easterly line of land conveyed by the Mount Pleasant Cemetery Co. to the City of Newark by deed recorded in Book I 60 of Deeds for Essex County page 136; thence running along the same south 43 degrees 18' west 200.68 feet; thence running north 51 degrees 25' west 246.65 feet to the division

line between land of the Erie Railroad and the City of Newark; thence running along the same north 33 degrees 38' east 200.75 feet to the place of beginning, containing 52,712 square feet more or less.

Reserving, however, to the City of Newark, a 10 foot right of way lying between the aforesaid division line between land of the Erie Railroad and the City of Newark and a line parallel to and distant 10 feet measured southeasterly at right angles from the said division line between land of the Erie Railroad and the City of Newark for the purpose of rebuilding, reconstructing or maintaining the water main, gates and appurtenances now laid within the lines of the above described 10 foot strip and the right to enter upon the above described 10 foot strip for the purpose of laying, relaying, rebuilding, reconstructing or maintaining additional water mains, their gates and appurtenances.

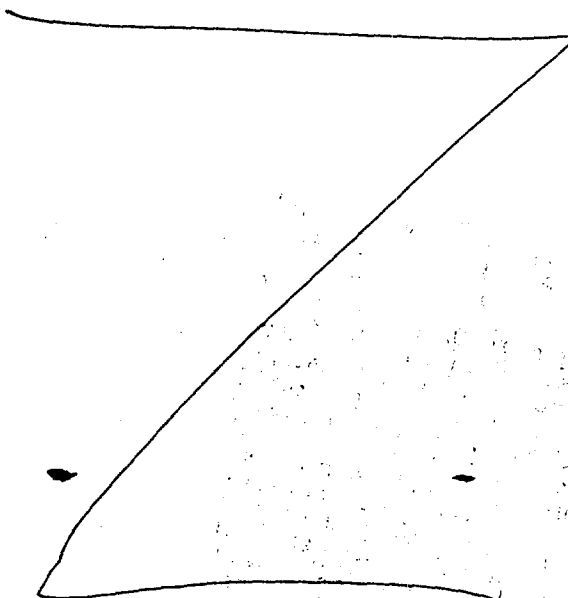
Any buildings or structures that may be constructed over or on the said reserved right of way shall be so constructed that the City of Newark shall always have free access to the right of way reserved for the aforementioned purposes.

Subject to the terms of resolution No. 8908, adopted November 20, 1940, and the terms of resolution No. 9211 adopted December 31, 1940, by the Board of Commissioners of The City of Newark; and subject to the conditions of sale, dated December 18, 1940, and being No. 3216 in the Book of Contracts, in the Office of the City Clerk of The City of Newark.

Subject also to a further resolution, dated January 15, 1941, by the Board of Commissioners of the City of Newark, known as resolution No. 9293.

TRACT NO. 8

BEGINNING at a point in the southwesterly line of Herbert Place distant 59.37 feet southeasterly from the southeasterly corner of Herbert Place and Passaic Street as the latter is laid out 40 feet in width easterly adjoining the Mount Pleasant Cemetery, said beginning point being the division line between land of the Erie Railroad and the Pittsburgh Plate Glass Co.; thence northeasterly in straight continuation of the aforesaid division line 40.15 feet to the center line of Herbert Place; thence northwesterly along the same 25.75 feet more or less to a point in straight continuation of the southeasterly right of way line of the Erie Railroad north of Herbert Place, said right of way line also being the northwesterly line of land owned by the Pittsburgh Plate Glass Co.; thence northeasterly along the extension of said division line 40.15 feet to the northeasterly line of Herbert Place; thence southeasterly along the same 311.20 feet more or less to the Exterior Wharf Line as established by the Commissioners under an act of the Legislature of the State of New Jersey, entitled "An Act respecting the lines of Wharves, Docks, Slips and Piers on the Passaic River in the Counties of Essex and Hudson", approved April 1, 1872, at the Passaic River; thence southwesterly along the same 80 feet more or less to the southwesterly line of Herbert Place; thence northwesterly along the same 280.47 feet to the place of BEGINNING; reserving, however, to the City of Newark a right of way in the above described part of Herbert Place as follows: BEGINNING at the aforementioned beginning point in the southwesterly line of Herbert Place distant 59.37 feet southeasterly from the southeasterly corner of Herbert Place and Passaic Street; thence northwesterly in straight continuation of the first mentioned division line 40.15 feet to the center line of Herbert Place; thence northwesterly along the same 25.75 feet more or less to a point in straight continuation of the aforementioned southeasterly right of way line of the Erie Railroad, north of Herbert Place; thence northeasterly along the extension of said right of way line 28 feet



more or less to a point; thence southeasterly along a line parallel to and distant 12 feet measured southwesterly at right angles from the northeasterly line of Herbert Place 35.75 feet more or less to a point; thence southwesterly and parallel to aforesaid division lines 6 feet to a point; thence southeasterly parallel to and distant 18 feet measured southwesterly at right angles from the northeasterly line of Herbert Place to the aforesaid wharf line at the Passaic River; thence southwesterly along the same 38 feet more or less to a point; thence northwesterly parallel to and distant 56 feet measured southwesterly at right angles from the northeasterly line of Herbert Place to a point 10 feet more or less southeast of the first mentioned division line extension; thence southwesterly parallel to and distant 10 feet measured southeasterly at right angles from the aforesaid division line extension 24 feet to the southwesterly line of Herbert Place; thence northwesterly along the same 10 feet more or less to the point of beginning, for the purpose of relaying, rebuilding, reconstructing or maintaining the sewer and water mains, their manholes, gates and appurtenances now laid within the lines of the above described right of way and the right to enter upon the above described right of way for the purpose of laying, relaying, rebuilding, reconstructing or maintaining additional sewer or water mains, their manholes, gates and appurtenances. Any buildings or vaults that may be constructed on, in or over the within described premises shall be so constructed that the City of Newark shall always have free access to the right of way reserved for the purpose of maintaining, repairing and reconstructing the present sewer and water facilities, and for the construction and maintenance of any additional sewer and water facilities. All as shown on a map, a copy of which map is on file in the office of the Chief Engineer, Department of Public Affairs, known and designated as Map No. 1451-V, dated February 17, 1941.

Subject to and together with the right title and interest acquired by the grantor herein under the following ordinance adopted by the City of Newark;

Form 1 124 10% Day Bond at 100 no. postage

61 C-8157

No. 67C 1st Reading **AUG 21 1957** Ordinance

No. 1 O.

of the

Date 8-27

Date to Mayor 8-27

No. 1 O.

City of Newark, N. J.

Date Returned 8-27

Date Reinstated to Council

No. 67C 2nd, 3rd, and Final Passage **SEP 4 1957**

Approved as to Form and Legality on Basis of Facts Set Forth

Personal examination certified to by

James H. P. [Signature]
Commissioner

[Signature]
Director, Department of Public Works

Enacts the following Ordinance:

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "AN ORDINANCE PROVIDING FOR THE VACATION OF HERBERT PLACE AS THE SAME WAS OPENED 80 FEET WIDE BY ORDINANCE PASSED BY THE BOARD OF STREET AND WATER COMMISSIONERS OF THE CITY OF NEWARK, OCTOBER 18, 1894, AND APPROVED BY THE MAYOR, OCTOBER 19, 1894, EXTENDING FROM THE SOUTHEASTERLY RIGHT OF WAY LINE OF THE ERIE RAILROAD SOUTHEASTERLY 311.20 FEET MORE OR LESS TO THE COMMISSIONERS EXTERIOR WHARF LINE AT THE PASSAIC RIVER".

Be It Ordained by the Municipal Council of the City of Newark, New Jersey:

Section 1. That Section 1 of an ordinance entitled "An ordinance providing for the vacation of Herbert Place as the same was opened 80 feet wide by ordinance passed by the Board of Street and Water Commissioners of the City of Newark, October 18, 1894, and approved by the Mayor, October 19, 1894, extending from the southeasterly right of way line of the Erie Railroad southeasterly 311.20 feet more or less to the Commissioners Exterior Wharf Line at the Passaic River", adopted March 19, 1941, with respect to the reservation therein, be and the same is hereby amended to read as follows:

reserving, however, to the City of Newark a right of way in the above described part of Herbert Place to be vacated as follows: Beginning at a point in the southwesterly line of Herbert Place distant 59.37 feet southeasterly from the southeasterly corner of Herbert Place and Passaic Street, as the latter is laid out 40 feet in width easterly adjoining the Mount Pleasant Cemetery, said beginning point being in the division line between lands of the Erie Railroad, south of Herbert Place, and the Pittsburgh Plate Glass Co., thence northeasterly in straight continuation of the aforesaid division line 40.16 feet to the center line of Herbert Place, thence northwesterly along the same 25.75 feet more or less to a point in straight continuation of the southeasterly right of way line of the Erie Railroad, north of Herbert Place, said right of way line also being the northwesterly line of land owned by the Pittsburgh Plate Glass Co.; thence northeasterly along the extension of said right of way line 22 feet more or less to a point; thence southeasterly along a line parallel to and distant 18 feet measured southwesterly at right angles from the northeasterly line of Herbert Place to the aforesaid wharf line at the Passaic River; thence southwesterly along the same 38 feet more or less to a point; thence northwesterly parallel to and distant 56 feet measured southwesterly at right angles from the northeasterly line of Herbert Place to a point 10 feet more or less southeast of the first mentioned division line extension; thence southwesterly parallel to and distant 10 feet measured southeasterly at right angles from the aforesaid division line extension 24 feet more or less to the southwesterly line of Herbert Place; thence northwesterly along the same 10 feet more or less to the point of Beginning, for the purpose of relaying, rebuilding, reconstructing or maintaining the sewer and water mains,

853230037

ITE

no 2

their manholes, gates and appurtenances now laid within the lines of the above described right of way and the right to enter upon the above described right of way for the purpose of laying, relaying, rebuilding, reconstructing or maintaining additional sewer or water mains, their manholes, gates and appurtenances. Any building or vaults that may be constructed over or within the street vacated shall be so constructed that the City of Newark shall always have free access to the right of way reserved for the purpose of maintaining, repairing and reconstructing the present sewer and water facilities, and for the construction and maintenance of any additions at sewer and water facilities.

All as shown on a map prepared under the direction of this Council, which map is hereto attached and made a part hereof and a copy of which map is on file in the office of the Chief Engineer, Department of Public Works, known and designated as Map No. 1881-V AS AMENDED, dated April 20, 1887.

Section 2. All ordinances and parts of ordinances inconsistent with the provisions of this ordinance be and the same are hereby repealed.

Section 3. That this ordinance shall take effect upon adoption and publication and according to law.

RECORD OF COUNCIL VOTE

COUNCILMAN	AYERMAN	WALKER	COUNCILMAN	AYERMAN	WALKER
FONTECHINO	✓	FANCO	✓	TUNNER	✓
GALLAGHAN	✓	GALLAGHAN	✓	WALDON	✓
COOZEY	✓	GORDON	✓	BRADY	✓

X-Initiation Vote A. B.-Absent N. V.-Not Voting X. O. R.-Initiation Vote to Overrule Vote

Adopted on this reading at a meeting of the Council of the City of Newark, N. J., on SEP 4 1957 Adopted on third reading and final passage on SEP 4 1957

By John J. Budig President
The Ordinance when adopted remains in the custody of the City Clerk. Certified copies are available.
USE REVERSE SIDE FOR PORTFOLIO IDENT AND REPRODUCTION DATA

EXCEPTING from the foregoing premises the following parcel conveyed by Pittsburgh Plate Glass Company to the State of New Jersey by deed dated May 29, 1956 and recorded June 29, 1956 in deed book 3417 page 107, described as follows:

PARCELS R6 and R7, as indicated on a plan filed or about to be filed in the Office of the Register of Deeds of Essex County, entitled "New Jersey State Highway Department, General Property Parcel Map, Route 21 (1927) Section 4C, Oriental Street to Route 21, Section 5, Showing Existing Right of Way & Parcels To Be Acquired In The City of Newark, County of Essex, Scales as Shown, December 1952";

PARCEL R6, beginning at a point in the westerly line of Riverside Avenue, where the same is intersected by the southerly line of Chester Avenue at about Station 246+20 (North Bound Base Line Stationing) and running:

Thence (1) in a southerly direction along said westerly line of Riverside Avenue, curving to the right with a radius of one thousand, eight hundred thirty-five (1,835) feet, an arc distance of one hundred twenty (120) feet, more or less to a point;

Thence (2) in a southerly direction still along said westerly line, a distance of two hundred ten (210) feet, more or less to an angle point;

Thence (3) in a southerly direction still along said westerly line, a distance of one hundred five (105) feet, more or less to its intersection with the northerly line of Herbert Place;

Thence (4) in a westerly direction along said northerly line of Herbert Place, a distance of twenty-two (22) feet, more or less to a point in the proposed westerly right of way line of Riverside Avenue Relocation, distant twenty-four (24) feet northwesterly from, measured radially to the base line of said Riverside Avenue Relocation, as laid down on the aforesaid plan at about Station 241+78 (North Bound Base Line Stationing);

Thence (5) in a northerly direction along said proposed westerly right of way line, concentric with and distant twenty-four (24) feet westerly from, measured radially to the base line of said relocation, curving to the left with a radius of forty (40) feet, an arc

distance of thirty feet and eighty-seven hundredths (30.87) of a foot, more or less to a point of compound curvature at Station 4+45.62 (Riverside Avenue Relocation Stationing);

Thence (6) in a northerly direction still along said proposed westerly right of way line, concentric with and distant twenty-four (24) feet westerly from, measured radially to the base line of said relocation curving to the left with a radius of one thousand, fourteen feet and twenty-four hundredths (1,014.24) of a foot, an arc distance of eighty-four (84) feet, more or less to a point of reverse curvature at Station 3+60.29 (Riverside Avenue Relocation Stationing);

Thence (7) in a northerly direction still along said proposed westerly right of way line, concentric with and distant twenty-four (24) feet westerly from the base line of said Relocation, curving to the right with a radius of one thousand eighty-one (1,081) feet, an arc distance of two hundred (200) feet, more or less to a point of tangency at Station 1+65.42 (Riverside Avenue Relocation Stationing);

Thence (8) in a northerly direction along said proposed westerly right of way line of said Riverside Avenue Relocation, as laid down on the aforesaid plan, a distance of fifteen (15) feet, more or less to a point in the dividing line between lands of the party of the first part hereto on the south and lands now or formerly of the Raymond Realty Co on the north;

Thence (9) in an easterly direction along said last mentioned dividing line, a distance of three (3) feet, more or less to a corner;

Thence (10) in a northerly direction along the dividing line between lands of the party of the first part hereto on the east and lands now or formerly of said Raymond Realty Co. on the west, a distance of one hundred thirteen feet and thirty-one hundredths (113.31) of a foot, more or less to a point in the aforesaid existing southerly line of Chester Avenue;

Thence (11) in an easterly direction along said existing southerly line of Chester Avenue, a distance of one hundred five feet and sixty-four hundredths (105.64) of a foot, more or less to the point and place of beginning;

CONTAINING seven hundred eighty-two thousandths (0.782) of an acre, be the same more or less;

PARCEL R7, beginning at a corner in the northerly line of Chester Avenue, common to lands of the party of the first part hereto on the west and lands now or formerly of Erie Railroad Company on the east at about Station 2+6+89 (North Bound Base Line Stationing) and running:

Thence (1) in a westerly direction along said northerly line of Chester Avenue, a distance of one hundred two feet and six tenths (102.6) of a foot, more or less to a corner;

Thence (2) in a northerly direction along the dividing line between lands of the party of the first part hereto on the east and lands of the State of New Jersey, formerly Joseph Keane, on the west, a distance of ninety-two feet and forty-three (92.43) hundredths of a foot, more or less to a corner;

Thence (3) in an easterly direction along the dividing line between lands of the party of the first part hereto on the south and lands of the State of New Jersey, formerly of Joseph Keane, on the north, a distance of one hundred one feet and three tenths (101.3) of a foot, more or less to a point in the dividing line between lands of

Thence (4) in a southerly direction along said last mentioned dividing line, a distance of eighty-nine feet and ninety-seven hundredths (89.97) of a foot, more or less to the point and place of beginning;

CONTAINING two hundred fourteen thousandths (0.214) of an acre, be the same more or less;

TOGETHER WITH all right, title and interest that the party of the first part hereto may have in and to Herbert Place, Riverside Avenue and Chester Avenue, adjoining the above described premises;

AND ALSO the right to construct and maintain on other lands of the party of the first part hereto, a sub-surface drain with a catch basin, at the westerly terminus thereof, said sub-surface drain to extend for a distance of about five (5) feet westerly from the proposed westerly right of way line of the aforesaid Riverside Avenue Relocation at about Station 3+65 (Riverside Avenue Relocation Stationing);

AND ALSO the right to form and maintain slopes on other lands of the party of the first part hereto, on the westerly side of the aforesaid Riverside Avenue Relocation, said slopes to extend westerly therefrom substantially as far as the line marked "Slope E" on the aforesaid plan;

PROVIDED, HOWEVER, that the above recited slope easement may be annulled by furnishing and maintaining adequate support or protection for the highway so as to make the continuance of the slope right unnecessary.

The first four tracts were conveyed to the grantee herein by deed from Patton Paint Company, by deed recorded in Book U 64 pages 367-370.

The fifth tract was conveyed to the grantor herein by deed from Erie Land and Improvement Company recorded in deed Book L 72 page 28-30.

The sixth tract grant was conveyed to the grantor herein by the State of New Jersey which is recorded in Liber H 1 Folio page 75.

The seventh tract was conveyed to the grantor herein by deed from the City of Newark recorded in deed book X 97 page 299-301.

The eighth tract was conveyed to the grantor herein by deed from the City of Newark recorded in deed book I 98 page 106.

The conveyance of the first four tract herein includes the Riparian Right grant made by the State of New Hersey to Patton Paint Company recorded in Liber P Folio 187 and also recorded in the Register's Office in deed book D 36 page 587

To have and to Hold all and singular the above described land and premises, with the appurtenances, unto the said party of the second part, its successors ~~heirs~~ and assigns, to the only proper use, benefit and behoof of the said party of the second part, its successors ~~heirs~~ and assigns forever:

~~for~~ itself, its successors ~~and assigns~~, does covenant,
promise and agree to and with the said party of the second part, its successors
~~and assigns that it has not made, done, committed, executed or suffered any act or acts, thing or~~
~~things whatsoever, whereby or by means whereof the above mentioned and described premises, or any~~
~~part or parcel thereof, now are, or at any time hereafter shall or may be impeached, charged or encum-~~
~~bered, in any manner or way whatsoever.~~ except as aforesaid.

Vice President

~~STATE OF NEW JERSEY,~~
~~COUNTY OF~~ } ss.:

~~BE IT REMEMBERED~~, that on this
before me, the subscriber, a
personally appeared

day of

who, I am satisfied,
acknowledged that the grantor mentioned in the within Deed and thereupon
signed, sealed and delivered the same as act and deed,
for the uses and purposes therein expressed.

The full and actual consideration paid or to be paid for the transfer of title to realty evidenced
by the within deed, as such consideration is defined in P.L. 1968, c. 49, Sec. 1(c), is \$

~~STATE OF NEW JERSEY,~~
~~COUNTY OF~~ } ss.:

~~BE IT REMEMBERED~~, that on this 2nd day of August 19 71,
before me, the subscriber, a Notary Public of Pennsylvania
personally appeared Rose M. Pecora
who, being by me duly sworn on her oath, doth depose and make proof to my satisfaction, that she is the
assistant secretary of PPG Industries, Inc.

that E. C. Larsen the grantor named in the within Deed,
is the vice president
of said corporation; that the execution as well as the making of this Deed, has been duly authorized by a
proper resolution of the Board of Directors of the said corporation; that deponent
well knows the corporate seal of said corporation; and the seal affixed to said Deed is such corporate seal
and was thereto affixed, and said Deed signed and delivered by said vice President,
as and for the voluntary act and deed of said corporation, in presence of deponent, who thereupon sub-
scribed her name thereto as witness.

The full and actual consideration paid or to be paid for the transfer of title to realty evidenced
by the within deed, as such consideration is defined in P.L. 1968, c. 49, Sec. 1(c), is \$ 425,000.

Sworn to and subscribed before me,
at Pittsburgh
the date aforesaid.

Notary Public

Rose M. Pecora, Asst. Secretary

This deed prepared by Walter A. Beers

WALTER A. BEERS, Notary Public
Pittsburgh, Allegheny Co., Pa.
My Commission Expires
August 3, 1974



PPG Industries, Inc.

TO

Riverside Avenue Properties,
Inc.

Dated, August 2, 19 71

Retrieved in the
the County of
on the day of
at o'clock, in the
Recorded in Book
said County, on page

Office of
, N. J.,
, 19 ,
noon and
of DEEDS for

853230043

PLUMBER'S

SPEFICATIONS

— FOR —

FACTORY & WARE HOUSE BUILDINGS

FOR

PATTON PAINT CO.

Job No. 215.

HOOPER & CO.,

ARCHITECTS

AND

ENGINEERS.

MARKET AND WASHINGTON STS.,

NEWARK, N. J.

THE W. H. SHURTIS CO. LAW BLANK PUBLISHERS 247 & 249 BROAD ST. NEWARK, N. J.

853230044

For Five Story building.

CAST IRON PIPE:-

All joints between cast iron pipe are to be thoroughly caulked with oakum and molten lead with full joints. All joints between iron pipe and lead pipe must be made with heavy brass ferrules of the same size as the lead pipe and soldered to same and caulked into the iron pipe. At the place where shown two 5" ex. heavy cast iron leader pipes. Connect same with the gutter of roof with heavy 5" copper tubing flanged out in the gutter and connected in the best manner with the 5" cast iron pipe. Continue the 5" cast iron leaders as shown to first floor, then beneath the floor along the brick walls and through same to the outside of building. Connect a 5" cast iron soil pipe with the 5" cast iron pipe under first floor where shown at the north east corner of building, and continue same to second floor and then reduce to a 4" cast iron pipe to a height of 4' above roof leaving out branches on this line for fixture connections. Where the cast iron pipe continues along the brick wall it will be supported in the best manner from same by wrought iron straps bolted around the iron pipe and anchored into the brick wall. Connect a 2" cast iron pipe with the soil pipe below the lowermost fixture and continue same to a height of 4' above the roof line. Increase the size of same as the line extends up and leave out branches at each floor for venting the fixtures. Run a separate vent pipe for the closet and basin under stairs on first floor. After the iron pipe is conducted outside of the building it will be connected in the best manner with an 8" salt glazed tile drain pipe.

TILE PIPE:-

The contractor will excavate a trench from the leader connections outside of building and furnish and lay in the best

Note
reference
to sewer
connection →

complete and set in iron standards. Connect the water supply in a proper manner and a salt glazed tile drain pipe leading from the iron and waste in the best manner. The supply pipe to have finished pipe connecting to the sewer 163' from the north west corner of building and properly connect with same. Fill in the trench after the tile drain pipe is laid.

WATER SERVICE:-

The contractor will have the water main in the street tapped at the nearest point to building and run a 2" water pipe into the building. Place a stop cock at curb and another one inside of building where directed, complete with waste, etc., Furnish and set a 2" waste water metre where directed. Furnish and place a 2" wrought iron stand pipe where directed for fire service. Continue same to fifth floor with 1 1/2" hose valves at each story. Connect the stand pipe with service pipe from street in a proper manner. Run service pipes from the 2" main under the first floor to supply the fixtures. All long runs to be made with galvanized iron pipe. The connections to fixtures to be made with regulation pipe.

WATER CLOSET:-

Furnish and set where shown in first story toilet room a ~~standard~~ Standard, enameled on both sides, water closet and fixtures as shown on Plate 413 C. D. and in standard catalogue of 1901. Furnish and set where shown in toilet rooms above first story, six standard enameled water closets and fixtures as shown on plate 404 C. of the D. and M. Standard Catalogue of 1901. The supply and waste pipes for above six closets to be of lead pipe of the regulation weight. Connect all of the above fixtures with the water service and waste pipes in the best manner. All supply pipes to water tanks to have finished stops.

URINALS:-

Furnish and set where shown on second and fourth floors, two, two part urinals shown on Plate 702 R. of J. L. Mott's Plumbing Catalogue R., all complete with 2 gal. automatic flushing tank perforated brass flushing pipe/ Stall partitions, etc.,

complete and set in iron standards. Connect the water supply and waste in the best manner. The supply pipe to have finished stops.

LAVATORIES:-

Furnish and set where shown in first story toilet room a roll rim standard enameled on two sides, corner slab and bowl, complete as shown on plate 236 C. of the D. and M. Standard Catalogue of 1901. Connect the water service and waste in the best manner.

The contractor will include the same cost of bowl for the office (Not shown on plans) with all connections.

The contractor will furnish and set a six compartment sectional roll rim standard wash stand with oval bowls where shown on the second floor. A four compartment, ditto, on the third floor, and a six compartment ditto on the fourth floor, as shown on plate 246 C. of the D. and M. Standard Catalogue of 1901. Slabs to be 18" x 24" with 12" x 15" bowls and 10 1/2" backs. enameled on one side and set on painted iron brackets. Supply with cold water through galvanized iron pipe and brass Fuller basin faucets. Waste through C. lead pipe of the regulation size with S. traps properly vented and connected to the waste pipe leading to sewer.

WATER TANK SERVICE:-

After the water tank in tower is set the contractor will run a 1 1/4" wrought iron pipe from the first floor to the tank. The bottom end to have a connection on to connect the pump line, also run a 2" overflow pipe from the tank arranged so as to discharge on the main roof of building. The contractor will also run a 5/8" gal. iron tell tale pipe from the water tank to the first story. The tell tale pipe to have a connection at the lower end, so that it may be continued where desired.

Company Name: PPG INDUSTRIES, INC
Facility Name: NEWARK FACTORY
Address: RIVERSIDE AVE
No. Street
NEWARK N. J.
City State Zip Code

Name of Person Completing Form: L. N. STREFF
Position: MGR, ENV. ENG. & CONTROL
Phone Number: (412) 274-4500

1. Year Facility Opened 19 02 (10-11)
2. Primary SIC Code : 2851 (12-15)
2821
3. Estimate the total amounts of process wastes (excluding wastes sold for use) generated by this facility during 1978:
- thousand gallons (16-24)
- hundred tons (25-32)
- thousand cubic yards (33-41)
4. Estimate (in whole percents) how these process wastes generated in 1978 were disposed of:
- in landfill (42-44)
- in pit/pond/lagoon (45-47)
- in deep well (48-50)
- incinerated (51-53)
- reprocessed/recycled (54-56)
- evaporated (57-59)
- unknown (60-62)
- other (Specify) (63-65)
5. What is the total number of known sites (including disposal on the property where this facility is located as one site) that have been used for the disposal of process wastes from this facility since 1950? - (66-68)

COMPLETE ONE FORM "B" FOR EACH OF THE SITES

6. Have any of the process wastes generated at this facility been hauled (removed) from this facility for disposal? (Yes=1; no=2) 1 (69)

IF YES, COMPLETE FORM "C"

7. Do you know the disposal site locations of all of the process waste hauled from your facility since 1950? (Yes=1; no=2) 2 (70)

IF NO, COMPLETE ONE FORM "D" FOR EACH FIRM OR CONTRACTOR WHO TOOK WASTE TO AN UNKNOWN LOCATION

8. Specify the earliest year represented by information from company or facility records supplied on this and other forms 19 - (71-72)
9. Specify the earliest year represented by information from employee knowledge supplied on this and other forms 19 50 (73-74)

REMOVED PROCESS WASTE FROM THIS FACILITY SINCE 1950 AND TOOK IT
TO AN UNKNOWN LOCATION

Company Name: PPG INDUSTRIES, INC
Facility Name: NEWARK FACTORY
Name of Hauling Firm/Contractor: Co.
Address: (no.) (street)
(city) (state) (zip code)

1. Year first used 1950 (10-11)
2. Year last used (enter "79" if still in use) 1971 (12-13)
3. Total amount of process waste hauled from this facility:
thousand gallons UNKNOWN (14-21)
hundred tons (22-28)
thousand cubic yards (29-36)
4. Components (or characteristics) of process waste from this facility disposed
at site: (1=present in waste; 2=not present in waste; 9=don't know):
FILL IN EVERY BLOCK SPACE

Acid solutions, with pH < 3	2	(37)
pickling liquor	2	(38)
metal plating waste	2	(39)
circuit etchings	2	(40)
inorganic acid manufacture	2	(41)
organic acid manufacture	2	(42)
Base solutions, with pH > 10	1	(43)
caustic soda manufacture	2	(44)
nylon and similar polymer generation	2	(45)
scrubber residual	2	(46)
Heavy metals & trace metals (bonded organically & inorganically)	1	(47)
arsenic, selenium, antimony	2	(48)
mercury	1	(49)
iron, manganese, magnesium	1	(50)
zinc, cadmium, copper, chromium (trivalent)	1	(51)
chromium (hexavalent)	9	(52)
lead	1	(53)
Radioactive residues, > 3 pico curies/liter	2	(54)
uranium residuals & residuals for UF ₆ recycling	2	(55)
lanthanide series elements and rare earth salts	2	(56)
phosphate slag	2	(57)
thorium	2	(58)
radium	2	(59)
other alpha, beta & gamma emitters	2	(60)
Organics	1	(61)
pesticides & intermediates	2	(62)
herbicides & intermediates	2	(63)
fungicides & intermediates	2	(64)
rodenticides & intermediates	2	(65)
halogenated aliphatics	2	(66)
halogenated aromatics	2	(67)
acrylates & latex emulsions	1	(68)
PCB/PBB's	2	(69)
amides, amines, imides	1	(70)
plastizers	1	(71)
resins	1	(72)
elastomers	2	(73)
solvents protic (except water)	2	(74)
carbontetrachloride	2	(75)
trichloroethylene	2	(76)
other solvents nonprotic	2	(77)
solvents halogenated aliphatic	2	(78)
solvents halogenated aromatic	2	(79)
oils and oil sludges	1	(80)
esters and ethers	1	(81)
alcohols	1	(82)
ketones & aldehydes	1	(83)
dioxins	2	(84)
Inorganics	2	(85)
salts	2	(86)
mercaptans	2	(87)
Misc.	1	(88)
pharmaceutical wastes	2	(89)
paints & pigments	1	(90)
catalysts (eg. vanadium, platinum, palladium)	2	(91)
asbestos	2	(92)
shock sensitive wastes (eg. nitrated solvents)	2	(93)

Part of
form - not
part of response

853230049

PROVIDE A COMPLETE LIST OF ALL FIRMS AND INDEPENDENT CONTRACTORS, INCLUDING THE COMPANY AND ITS AFFILIATES AND SUBSIDIARIES, USED TO REMOVE PROCESS WASTES FROM THIS FACILITY SINCE 1950.

Company Name: PPG INDUSTRIES, INC

Facility Name: NEWARK FACTORY

<u>Name of Firm or Contractor</u>	<u>Address</u>	<u>ICC # (If Known)</u>	<u>Years Used</u>
<u>[REDACTED] Co.</u>			<u>21</u>

FACILITY

Newark Factory

CLOSURE DATE

1971

PERSONS CONTACTED

Shipping Supervisor

Wastes hauled from plant by [REDACTED] Company, [REDACTED], owner. [REDACTED] located in Down Neck section of New Jersey. Wastes hauled to [REDACTED] Dump at [REDACTED], New Jersey.

LAST FACTORY MANAGER

Wastes removed by [REDACTED] and hauled to [REDACTED] near [REDACTED]

LAST PLANT ENGINEER

Some wastes dumped at sea by hauler.

853230051

This Indenture,

Made the 2nd day of August, in the year of our Lord
One Thousand Nine Hundred and seventy one.

Between

PPG Industries, Inc. formerly known as Pittsburgh
Plate Glass Company,
A corporation of Pennsylvania

in the City of Pittsburgh County of Allegheny
and State of Pennsylvania party of the first part;

And

Riverside Avenue Properties, Inc.
A corporation of New Jersey,
maintaining an office at Room 717,
17 Academy Street

in the City of Newark County of Essex
and State of New Jersey party of the second part;

Witnesseth, That the said party of the first part, for and in consideration of
Four hundred and twenty five thousand dollars (\$425,000.)
lawful money of the United States of America, to it in hand well and truly paid by the said
party of the second part, at or before the sealing and delivery of these presents, the receipt whereof is
hereby acknowledged, and the said party of the first part being therewith fully satisfied, contented and
paid, has given, granted, bargained, sold, aliened, released, enfeoffed, conveyed and confirmed and by
these presents does give, grant, bargain, sell, alien, release, enfeoff, convey and confirm unto the said
party of the second part, and to its successors
and assigns, forever,

All those certain

tracts or parcels of land and premises, hereinafter particularly described, situate, lying and being
in the City of Newark County of Essex
and State of New Jersey.

TRACT No. 1. BEGINNING at the intersection of the northerly line of
land of the party of the First Part with the easterly line of the right of
way of the Paterson and Newark Railroad; from thence running along the line of
said right of way southerly three hundred twelve feet and seventy-six one-
hundredths of a foot to the northerly line of Herbert Place, as recently laid
out by ordinance passed October 18, 1894 by the Board of Street and Water
Commissioners of the City of Newark; thence along the northerly line of said
Place south fifty degrees forty-six minutes east three hundred eight feet and
eighty-seven one-hundredths of a foot to the dock line of the Passaic River;
thence along the same north thirty-six degrees six minutes east three hundred
fifty-four feet and eighty-eight one-hundredths of a foot more or less; thence
still along the same north thirty-eight degrees, two minutes east eight feet
and fifteen one-hundredths of a foot to the aforesaid northerly line of the
party of the First Part which is also the southerly line of land conveyed by
The Triton Boat Club of Newark to the Patton Paint Company, the first party
hereto, by Deed dated May 16, 1902, and recorded in Book I-35 of Deeds, for
Essex County, on pages 270 - 272; thence along the same north sixty degrees
west about three hundred twenty-one feet to the easterly line of the aforesaid
right of way and the place of beginning.

TOGETHER with all the dock rights and privileges of the
party of the First Part acquired by the grantor herein from Rowena A. Gibbs or
otherwise and all rights or license now owned or possessed by said party of
the First Part to a right of way or crossing across the track of the Paterson
and Newark Branch of the Erie Railroad.

Also, all the estate, right, title, and interest, of the first part, of, in and to the same, and of, in and to every part and parcel thereof.

To have and to hold all and singular the above described land and premises, with the appurtenances, unto the said party of the second part, its successors heirs and assigns, to the only proper use, benefit and behoof of the said party of the second part, its successors heirs, and assigns forever:

And the said party of the first part

for itself, its successors heirs, executors and administrators, does covenant, promise and agree to and with the said party of the second part, its successors and assigns that it has not made, done, committed, executed or suffered any act or acts, thing or things whatsoever, whereby or by means whereof the above mentioned and described premises, or any part or parcel thereof, now are, or at any time hereafter shall or may be impeached, charged or encumbered, in any manner or way whatsoever. except as aforesaid.

In Witness Whereof, the party of the first part has ~~not~~ ~~caused~~ ~~these~~ ~~presents~~ ~~to~~ ~~be~~ ~~signed~~ ~~by~~ ~~its~~ ~~proper~~ ~~corporate~~ ~~officers~~ ~~and~~ ~~caused~~ ~~its~~ ~~proper~~ ~~corporate~~ ~~seal~~ ~~to~~ ~~be~~ ~~hereunto~~ ~~affixed~~, the day and year first above written.

Signed, Sealed and Delivered }
in the Presence of }

Attest:

R. M. P. [Signature]
Assistant secretary

PPG Industries, Inc.

[Signature]

Vice President

STATE OF NEW JERSEY,
COUNTY OF

ss.:

853230054

BE IT REMEMBERED, that on this
before me, the subscriber, a
personally appeared

day of

who, I am satisfied,
acknowledged that
for the uses and purposes therein expressed.

The full and actual consideration paid or to be paid for the transfer of title to realty evidenced
by the within deed, as such consideration is defined in P.L. 1968, c. 49, Sec. 1(c), is \$

PENNSYLVANIA
STATE OF NEW JERSEY,
COUNTY OF Allegheny

ss.:

BE IT REMEMBERED, that on this 2nd day of August 19 71,
before me, the subscriber, a Notary Public of Pennsylvania
personally appeared Rose M. Pecora

who, being by me duly sworn on her oath, doth depose and make proof to my satisfaction, that she is the
assistant secretary of PPG Industries, Inc.

that E. C. Larsen is the vice president
of said corporation; that the execution as well as the making of this Deed, has been duly authorized by a
proper resolution of the Board of Directors of the said corporation; that deponent
well knows the corporate seal of said corporation; and the seal affixed to said Deed is such corporate seal
and was thereto affixed, and said Deed signed and delivered by said vice President,
as and for the voluntary act and deed of said corporation, in presence of deponent, who thereupon sub-
scribed her name thereto as witness.

The full and actual consideration paid or to be paid for the transfer of title to realty evidenced
by the within deed, as such consideration is defined in P.L. 1968, c. 49, Sec. 1(c), is \$ 425,000.

Sworn to and subscribed before me,
at Pittsburgh
the date aforesaid.

Rose M. Pecora

Rose M. Pecora, Asst. Secretary

Betty M. Cox
Notary Public

This deed prepared by Walter A. Beers

BETTY M. COX, Notary Public
Pittsburgh, Allegheny Co., Pa.
My Commission Expires
August 3, 1974

DEED

PPG Industries, Inc.

TO

Riverside Avenue Properties,
Inc.

Dated, August 2, 19 71

Received in the
the County of
on the day of
at o'clock, in the
Recorded in Book
said County, on page

Office of
, N. J.,
, 19 ,
noon and
of DEEDS for

This Indenture,

Made the day of August , in the year of our Lord
One Thousand Nine Hundred and seventy one.

Between

PPG Industries, Inc. formerly known as Pittsburgh
Plate Glass Company,
A corporation of Pennsylvania

in the City of Pittsburgh County of Alleghany
and State of Pennsylvania party of the first part;

And

Riverside Avenue Properties, Inc.
A corporation of New Jersey,
maintaining an office at room 717
17 Academy Street

in the City of Newark County of Essex
and State of New Jersey party of the second part;

Witnesseth, That the said party of the first part, for and in consideration of
Four hundred and twenty five thousand dollars (\$425,000.)
lawful money of the United States of America, to it in hand well and truly paid by the said
party of the second part, at or before the sealing and delivery of these presents, the receipt whereof is
hereby acknowledged, and the said party of the first part being therewith fully satisfied, contented and
paid, has given, granted, bargained, sold, aliened, released, enfeoffed, conveyed and confirmed and by
these presents do^{es} give, grant, bargain, sell, alien, release, enfeoff, convey and confirm unto the said
party of the second part, and to its successors
and assigns, forever,

All those certain
tracts or parcels of land and premises, hereinafter particularly described, situate, lying and being
in the City of Newark County of Essex
and State of New Jersey

TRACT No. 1. BEGINNING at the intersection of the northerly line of land of the party of the First Part with the easterly line of the right of way of the Paterson and Newark Railroad; from thence running along the line of said right of way southerly three hundred twelve feet and seventy-six one-hundredths of a foot to the northerly line of Herbert Place, as recently laid out by ordinance passed October 18, 1894 by the Board of Street and Water Commissioners of the City of Newark; thence along the northerly line of said Place south fifty degrees forty-six minutes east three hundred eight feet and eighty-seven one-hundredths of a foot to the dock line of the Passaic River; thence along the same north thirty-six degrees six minutes east three hundred fifty-four feet and eighty-eight one-hundredths of a foot more or less; thence still along the same north thirty-eight degrees, two minutes east eight feet and fifteen one-hundredths of a foot to the aforesaid northerly line of the party of the First Part which is also the southerly line of land conveyed by The Triton Boat Club of Newark to the Patton Paint Company, the first party hereto, by Deed dated May 16, 1902, and recorded in Book I-35 of Deeds, for Essex County, on pages 270 - 272; thence along the same north sixty degrees west about three hundred twenty-one feet to the easterly line of the aforesaid right of way and the place of beginning. _____

TOGETHER with all the dock rights and privileges of the party of the First Part acquired by the grantor herein from Rowena A. Gibbs or otherwise and all rights or license now owned or possessed by said party of the First Part to a right of way or crossing across the track of the Paterson and Newark Branch of the Erie Railroad.

853230055

2-1

Being the same premises which Rowena E. Gibbs, by Indenture dated the 19th day of May 1902, and recorded in the Register's Office of the County of Essex, New Jersey, in Book I-35 of Deeds, at Pages 268 to 270, granted and conveyed unto the said Patton Paint Company. _____

TRACT No. 2. BEGINNING in the center line of the River Road leading from Newark to Belleville, where the same intersects the northerly line of land late of Rowena Gibbs; and from thence running along said center line of the River Road, north forty-nine degrees thirteen minutes east one hundred feet; thence south sixty degrees east about two hundred and thirty feet to high water mark of the Passaic River; thence along the same southerly one hundred feet to said line late of Rowena Gibbs, and thence along her line north sixty degrees west to the place of beginning. Excepting from the above premises, land sold by John C. Bennett and wife to the Newark and Paterson Railroad Company for its right of way. _____

AND ALSO all the wharf, dock, pier and riparian rights late of the Triton Club of Newark, acquired by virtue of the license from the Freeholders of Essex and Hudson Counties to said Triton Boat Club, dated June twenty-fifth eighteen hundred and eighty-eight, and recorded in the Register's Office of the County of Essex on the fourteenth day of November, eighteen hundred and eighty-eight, in Book K-24, of Deeds, for said County, on page 133, and in the Office of the Register of the County of Hudson, on the twentieth day of June, eighteen hundred and ninety-one, in Book 529 of Deeds for said County, on page 300. _____

BEING the same premises which The Triton Boat Club of Newark, by Indenture dated May 16, 1902, and recorded in the Register's Office of the County of Essex, on the 19th day of May 1902, in Book I-35 of Deeds, Pages 270 to 272, inclusive, granted and conveyed unto the said Patton Paint Company, party of the First Part. A portion of the two tracts above referred to being also included in the grant of the Riparian Commissioners of New Jersey, made, executed and delivered on the 26th day of February, 1903, and duly recorded in the Register's Office of the County of Essex, on the 2nd day of April, 1903, in Book D-36 of Deeds, at Pages 587 to 591, inclusive, granted and conveyed unto the said Patton Paint Company, party of the First Part. _____

TRACT No. 3. BEGINNING at a corner formed by the intersection of the easterly line of the River Road leading from Newark to Belleville, and the southerly line of Chester Avenue, as the same is laid out and opened by the City of Newark; thence running along said southerly line of Chester Avenue south, sixty-one degrees and thirty-nine minutes east eleven feet and one-hundredths of a foot; thence north, thirty degrees and forty-seven minutes east thirty-two feet and twenty-eight one-hundredths of a foot to said easterly line of River Road aforesaid; thence along said River Road north forty-nine degrees twenty-one minutes east one hundred and thirty-three feet and twenty-nine one-hundredths of a foot to land formerly belonging to Stoutenburg, Day & Reock; thence along the same south sixty degrees and sixteen minutes east one hundred and forty-five feet more or less to the high water line of the Passaic River; thence along the same southerly one hundred and eighty-five feet more or less to land conveyed to George H. Phillips by Deed recorded in Book T23 of Deeds, pages 210 etc.; thence along the same north sixty degrees west two hundred and sixteen feet more or less to the easterly line of the River Road aforesaid; thence along the same north forty-nine degrees and twenty-one minutes east twenty-seven feet and twelve one-hundredths of a foot to the place of beginning. _____

TRACT No. 4. BEGINNING at a point in the original high water line of the westerly shore of Passaic River where the same is intersected by the division line between lands formerly of Stoutenburg, Day and Reock, and lands

of the said Peter Kroll; and from thence easterly in line with said division line extended one hundred and thirty (130) feet more or less to the Exterior Wharf established by the Commissioners under an act of the Legislature of the State of New Jersey entitled "An Act respecting the lines of Wharves, docks, ships and piers on the Passaic River in the Counties of Essex and Hudson", approved April 1st, 1872, copies of which maps are filed in the offices of the County Clerks of the Counties of Essex and Hudson aforesaid and adopted by the Commissioners appointed under the authority of the act entitled "An Act to ascertain the rights of the State and of Riparian Owners in the lands lying under the water of the Bay of New York and elsewhere in this State", approved April 11th A.D. 1864 and the supplements thereto; thence along said Exterior Wharf line south thirty-eight degrees and nine minutes west (S.38° 09' W.) one hundred eighty-seven and 13/100 (187.13) feet more or less to the northerly line of lands under water granted by the State of New Jersey to Patton Paint Company February 26th, 1903; thence westerly along the northerly line of lands so granted three hundred and five (305) feet more or less to the original high water line of the westerly shore of the Passaic River where the same is intersected by the division line between lands of said Patton Paint Company and lands of the said Peter Kroll; thence northeasterly along said original high water line to the place of beginning.

Together with all and singular the rights and privileges there-
by granted.

Together with all the right, title and interest of the party
of the first part to any part of the Passaic River lying in the front of the premises hereby conveyed, also to the center line of the River Road lying adjacent.

BEING the same premises which Attridge Mahon, of the City of New York, County and State of New York, by Indenture dated June 13, 1920, and recorded in the Register's Office of the County of Essex, the 2nd day of July, 1920, in Book W-63 of Deeds, on pages 413- 415 inclusive, granted and conveyed unto the said Patton Paint Company, party of the first part.

TRACT NO. 5

A L L that piece or parcel of land and premises,
situate, lying and being in the City of Newark, County of Essex and State of New Jersey, being a portion of certain land and premises heretofore conveyed to said party of the first part by Eben B. Thomas, Individually and as Surviving Trustee, and wife, by deed dated January 26, 1906, and recorded in the office of the Register of Essex County in Liber U-39 of Deeds at page 228 &c, bounded and described as follows:

BEGINNING at the point of intersection of the northerly line of land conveyed to said party of the first part as aforesaid with the easterly line of Riverside Avenue (Old River Road), said northerly line being also the dividing line between property now or formerly of Dennin Coal Company and the party of the first part; thence along said northerly line

South sixty-seven degrees, fifty-seven minutes, fifty seconds East ($S.67^{\circ} 57' 50'' E.$) one hundred thirty-eight and six tenths (138.6) feet more or less to low water mark of the Passaic River; thence southwesterly along said low water mark two hundred eighty-one (281) feet more or less to a point in the division line between lands conveyed to said party of the first part as aforesaid and lands of the Pittsburgh Plate Glass Company; thence North sixty-seven degrees, fifty-seven minutes and fifty seconds West ($N.67^{\circ} 57' 50'' W.$) along said division line one hundred seventy-eight and two tenths (178.2) feet to a point in the aforesaid easterly line of Riverside Avenue (Old River Road); thence along said last mentioned line North forty-one degrees, forty-four minutes and ten seconds East ($N.41^{\circ} 44' 10'' E.$) two hundred ninety-two and thirty-one one hundredths (292.31) feet to the place of beginning.

TOGETHER with all the right, title and interest of said party of the first part of, in and to the waters of Passaic River and the land underlying the same lying in front of the above described parcel.

This conveyance is made subject to the provisions of an Indenture from said Erie Land and Improvement Company to The Paterson, Newark and New York Railroad Company and the City of Newark, New Jersey, dated *May - 20th* 1925, granting to said Railroad Company and City, their successors and assigns, the right to encroach on the premises hereinabove described with the slopes of Riverside Avenue (Old River Road), to which Indenture, recorded in the Records of Deeds for Essex County, New Jersey, for a full recital of the rights therein granted, reference is hereby particularly made.

TRACT NO. 6

B E G I N N I N G at a point in the former high water line of the northwesterly shore of Passaic River where the same is intersected by the division line between lands now or formerly of Dennis Coal Company and lands of the said Pittsburgh Plate Glass Company, said point being distant South 67° 29' East eighty-six (86) feet from the southeasterly line of Riverside Avenue as laid out fifty (50) feet wide;

Thence (1) South 67° 29' East binding upon the grant made by the State of New Jersey May 27, 1897 to Passaic Boat Club and the grant to The Chester Company made April 28, 1924, one hundred and seven (107) feet to the Pierhead and Bulkhead Line approved by the Assistant Secretary of War May 22, 1916, and adopted by the Board of Commerce and Navigation appointed under the authority of the act entitled "An Act creating a department to be known as the Board of Commerce and Navigation, and vesting therein all the powers and duties now devolved, by law, upon the Board of Riparian Commissioners, the Department of Inland Waterways, the Inspectors of Power Vessels, and the New Jersey Harbor Commission," approved April 8, 1915, and other acts and joint resolutions of the Legislature of said State;

Thence (2) South 23° 00' West, following said Pierhead and Bulkhead Line, fifty-three and seventy-seven hundredths (53.77) feet to a point;

Thence (3) South 28° 50' West, still following said Pierhead and Bulkhead Line, two hundred and twenty-one and seven hundredths (221.07) feet to a point;

Thence (4) North 67° 57' West, binding upon the grant made by the State of New Jersey June 16, 1913 to Peter Kroll, one hundred and twenty-eight and eighty hundredths (128.80) feet to the former high water line of the northwesterly shore of Passaic River;

Thence (5) Northeastwardly, following said high water line to the place of BEGINNING.

Being a riparian Grant from the State of New Jersey dated August 17, 1925nrecorded in Liber H 1, Folio 75, etc.

TRACT NO. 6

B E G I N N I N G at a point in the former high water line of the northwesterly shore of Passaic River where the same is intersected by the division line between lands now or formerly of Dennis Coal Company and lands of the said Pittsburgh Plate Glass Company, said point being distant South $67^{\circ} 29'$ East eighty-six (86) feet from the southeasterly line of Riverside Avenue as laid out fifty (50) feet wide;

Thence (1) South $67^{\circ} 29'$ East binding upon the grant made by the State of New Jersey May 27, 1897 to Passaic Boat Club and the grant to The Chester Company made April 28, 1924, one hundred and seven (107) feet to the Pierhead and Bulkhead Line approved by the Assistant Secretary of War May 22, 1916, and adopted by the Board of Commerce and Navigation appointed under the authority of the act entitled "An Act creating a department to be known as the Board of Commerce and Navigation, and vesting therein all the powers and duties now devolved, by law, upon the Board of Riparian Commissioners, the Department of Inland Waterways, the Inspectors of Power Vessels, and the New Jersey Harbor Commission," approved April 8, 1915, and other acts and joint resolutions of the Legislature of said State;

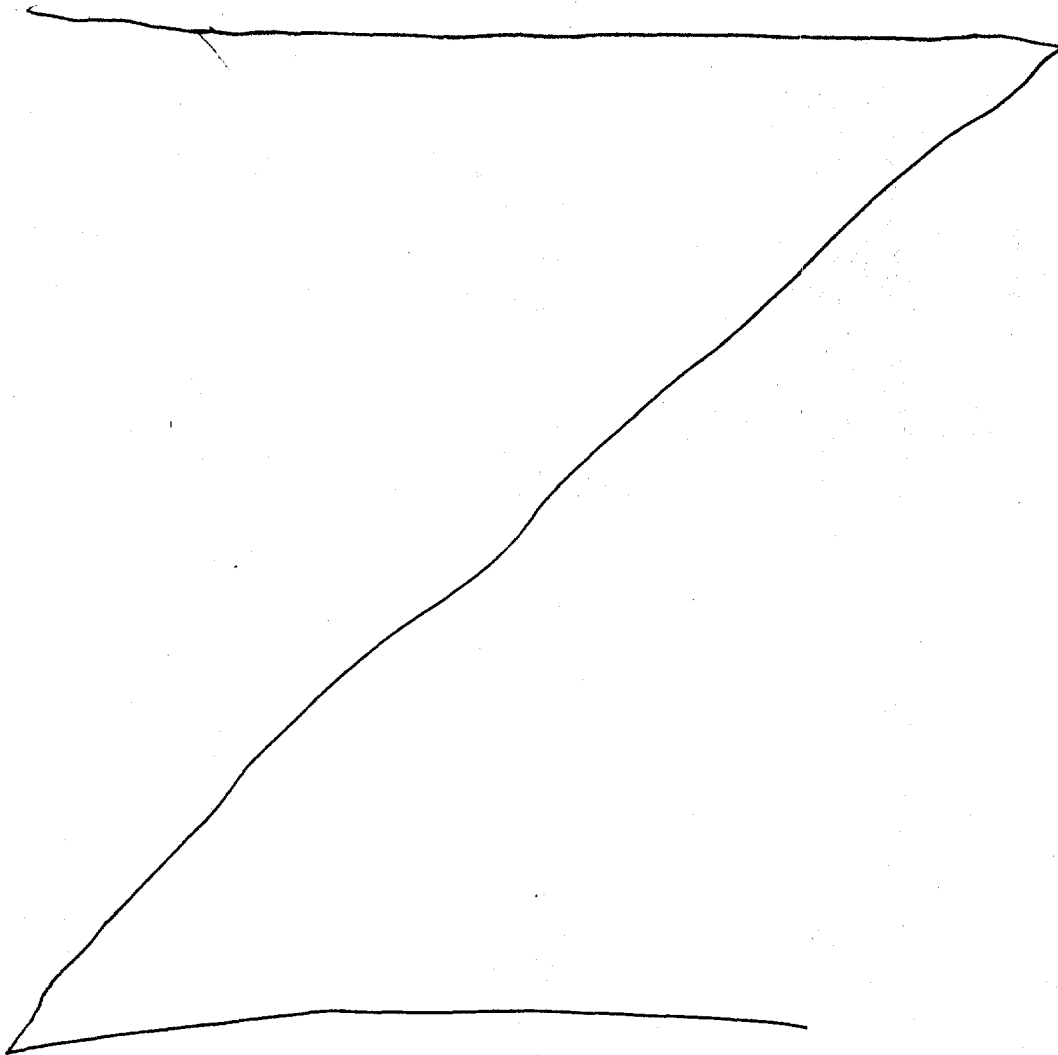
Thence (2) South $23^{\circ} 00'$ West, following said Pierhead and Bulkhead Line, fifty-three and seventy-seven hundredths (53.77) feet to a point;

Thence (3) South $28^{\circ} 50'$ West, still following said Pierhead and Bulkhead Line, two hundred and twenty-one and seven hundredths (221.07) feet to a point;

Thence (4) North $67^{\circ} 57'$ West, binding upon the grant made by the State of New Jersey June 16, 1913 to Peter Kroll, one hundred and twenty-eight and eighty hundredths (128.80) feet to the former high water line of the northwesterly shore of Passaic River;

Thence (5) Northeastwardly, following said high water line to the place of BEGINNING.

Being a riparian Grant from the State of New Jersey dated August 17, 1925nrecorded in Liber H 1, Folio 75, etc.



TRACT NO. 7

d
BEGINNING at a point in the southwesterly line of Herbert Place distant 59.37 feet southeasterly from the southeasterly corner of Herbert Place and Passaic Street as the latter is laid out 40 feet in width easterly adjoining the Mount Pleasant Cemetery, said beginning point being in the division line between land of the Erie Railroad and the City of Newark; thence running along the southwesterly line of Herbert Place south 51 degrees 25' east 280.47 feet to the wharf line of the Passaic River as recited in a deed from the State of New Jersey by Commissioners to the Mount Pleasant Cemetery Company and recorded in Book C-21 of Deeds for Essex County, page 445, said wharf line being the easterly line of land conveyed by the Mount Pleasant Cemetery Co. to the City of Newark by deed recorded in Book I 60 of Deeds for Essex County page 136; thence running along the same south 43 degrees 18' west 200.63 feet; thence running north 51 degrees 25' west 246.65 feet to the division

line between land of the Erie Railroad and the City of Newark; thence running along the same north 33 degrees 38' east 200.75 feet to the place of beginning, containing 52,712 square feet more or less.

Reserving, however, to the City of Newark, a 10 foot right of way lying between the aforesaid division line between land of the Erie Railroad and the City of Newark and a line parallel to and distant 10 feet measured southeasterly at right angles from the said division line between land of the Erie Railroad and the City of Newark for the purpose of rebuilding, reconstructing or maintaining the water main, gates and appurtenances now laid within the lines of the above described 10 foot strip and the right to enter upon the above described 10 foot strip for the purpose of laying, relaying, rebuilding, reconstructing or maintaining additional water mains, their gates and appurtenances.

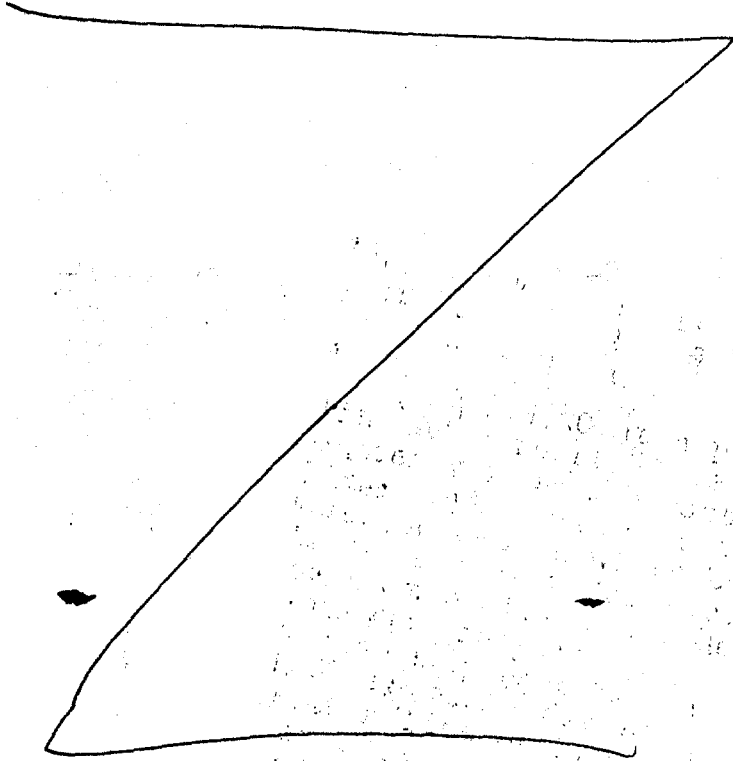
Any buildings or structures that may be constructed over or on the said reserved right of way shall be so constructed that the City of Newark shall always have free access to the right of way reserved for the aforementioned purposes.

Subject to the terms of resolution No. 8908, adopted November 20, 1940, and the terms of resolution No. 9211 adopted December 31, 1940, by the Board of Commissioners of The City of Newark; and subject to the conditions of sale, dated December 18, 1940, and being No. 3216 in the Book of Contracts, in the Office of the City Clerk of The City of Newark.

Subject also to a further resolution, dated January 15, 1941, by the Board of Commissioners of the City of Newark, known as resolution No. 9293.

TRACT NO. 8

BEGINNING at a point in the southwesterly line of Herbert Place distant 59.37 feet southeasterly from the southeasterly corner of Herbert Place and Passaic Street as the latter is laid out 40 feet in width easterly adjoining the Mount Pleasant Cemetery, said beginning point being the division line between land of the Erie Railroad and the Pittsburgh Plate Glass Co.; thence northeasterly in straight continuation of the aforesaid division line 40.15 feet to the center line of Herbert Place; thence northwesterly along the same 25.75 feet more or less to a point in straight continuation of the southeasterly right of way line of the Erie Railroad north of Herbert Place, said right of way line also being the northwesterly line of land owned by the Pittsburgh Plate Glass Co.; thence northeasterly along the extension of said division line 40.15 feet to the northeasterly line of Herbert Place; thence southeasterly along the same 311.20 feet more or less to the Exterior Wharf Line as established by the Commissioners under an act of the Legislature of the State of New Jersey, entitled "An Act respecting the lines of Wharves, Docks, Slips and Piers on the Passaic River in the Counties of Essex and Hudson", approved April 1, 1872, at the Passaic River; thence southwesterly along the same 80 feet more or less to the southwesterly line of Herbert Place; thence northwesterly along the same 280.47 feet to the place of BEGINNING; reserving, however, to the City of Newark a right of way in the above described part of Herbert Place as follows: BEGINNING at the aforementioned beginning point in the southwesterly line of Herbert Place distant 59.37 feet southeasterly from the southeasterly corner of Herbert Place and Passaic Street; thence northeasterly in straight continuation of the first mentioned division line 40.15 feet to the center line of Herbert Place; thence northwesterly along the same 25.75 feet more or less to a point in straight continuation of the aforementioned southeasterly right of way line of the Erie Railroad, north of Herbert Place; thence northeasterly along the extension of said right of way line 28 feet



more or less to a point; thence southeasterly along a line parallel to and distant 12 feet measured southwesterly at right angles from the northeasterly line of Herbert Place 35.75 feet more or less to a point; thence southwesterly and parallel to aforesaid division lines 6 feet to a point; thence southeasterly parallel to and distant 18 feet measured southwesterly at right angles from the northeasterly line of Herbert Place to the aforesaid wharf line at the Passaic River; thence southwesterly along the same 38 feet more or less to a point; thence northwesterly parallel to and distant 56 feet measured southwesterly at right angles from the northeasterly line of Herbert Place to a point 10 feet more or less southeast of the first mentioned division line extension; thence southwesterly parallel to and distant 10 feet measured southeasterly at right angles from the aforesaid division line extension 24 feet to the southwesterly line of Herbert Place; thence northwesterly along the same 10 feet more or less to the point of beginning, for the purpose of relaying, rebuilding, reconstructing or maintaining the sewer and water mains, their manholes, gates and appurtenances now laid within the lines of the above described right of way and the right to enter upon the above described right of way for the purpose of laying, relaying, rebuilding, reconstructing or maintaining additional sewer or water mains, their manholes, gates and appurtenances. Any buildings or vaults that may be constructed on, in or over the within described premises shall be so constructed that the City of Newark shall always have free access to the right of way reserved for the purpose of maintaining, repairing and reconstructing the present sewer and water facilities, and for the construction and maintenance of any additional sewer and water facilities. All as shown on a map, a copy of which map is on file in the office of the Chief Engineer, Department of Public Affairs, known and designated as Map No. 1451-V, dated February 17, 1941.

Subject to and together with the right title and interest acquired by the grantor herein under the following ordinance adopted by the City of Newark;

Form 2 124 7-54 10% Reg Bond 24 100 in a package

61 C-82157

No. 6Fc 1st Reading **AUG 21 1957** Ordinance

Date _____

No. _____ I. O.

of the

Date to Mayor 8-27

No. _____ I. O.

City of Newark, N. J.

Date Returned 8-27

No. 6Fc 2nd and Final Passage **SEP 4 1957**

Date Resubmitted to Council _____

Approved as to Form and Legality on Basis of Facts Set Forth

Personal certificate certified to by

James H. Torrey
City Engineer

W. W. W. W. W.
The Director, Department of Public Works

Commissioner _____ Presents the following Ordinance:

1
2
3 AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "AN ORDINANCE
4 PROVIDING FOR THE VACATION OF HERBERT PLACE AS THE SAME WAS OPENED
5 80 FEET WIDE BY ORDINANCE PASSED BY THE BOARD OF STREET AND WATER
6 COMMISSIONERS OF THE CITY OF NEWARK, OCTOBER 18, 1894, AND APPROVED
7 BY THE MAYOR, OCTOBER 19, 1894, EXTENDING FROM THE SOUTHEASTERLY
8 RIGHT OF WAY LINE OF THE ERIE RAILROAD SOUTHEASTERLY 311.20 FEET
9 MORE OR LESS TO THE COMMISSIONERS EXTERIOR WHARF LINE AT THE
10 PASSAIC RIVER".

11
12 Be It Ordained by the Municipal Council of the City of Newark,
13 New Jersey:

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15 Section 1. That Section 1 of an ordinance entitled "An
16 ordinance providing for the vacation of Herbert Place as the same
17 was opened 80 feet wide by ordinance passed by the Board of Street
18 and Water Commissioners of the City of Newark, October 18, 1894,
19 and approved by the Mayor, October 19, 1894, extending from the
20 southeasterly right of way line of the Erie Railroad southeasterly
21 311.20 feet more or less to the Commissioners Exterior Wharf Line
22 at the Passaic River", adopted March 19, 1941, with respect to the
23 reservation therein, be and the same is hereby amended to read as
24 follows:

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26 reserving, however, to the City of Newark a right of way in
27 the above described part of Herbert Place to be vacated as follows:
28 Beginning at a point in the southwesterly line of Herbert Place
29 distant 59.87 feet southeasterly from the southeasterly corner of
30 Herbert Place and Passaic Street, as the latter is laid out 40 feet
31 in width easterly adjoining the Mount Pleasant Cemetery, said be-
32 ginning point being in the division line between lands of the Erie
33 Railroad, south of Herbert Place, and the Pittsburgh Plate Glass
34 Co., thence northeasterly in straight continuation of the aforesaid
35 division line 40.16 feet to the center line of Herbert Place, thence
36 northwesterly along the same 25.75 feet more or less to a point in
37 straight continuation of the southeasterly right of way line of the
38 Erie Railroad, north of Herbert Place, said right of way line also
39 being the northwesterly line of land owned by the Pittsburgh Plate
40 Glass Co.; thence northeasterly along the extension of said right
41 of way line 22 feet more or less to a point; thence southeasterly
42 along a line parallel to and distant 18 feet measured southwesterly
43 at right angles from the northeasterly line of Herbert Place to the
44 aforesaid wharf line at the Passaic River; thence southwesterly
45 along the same 38 feet more or less to a point; thence northwesterly
46 parallel to and distant 56 feet measured southwesterly at right
47 angles from the northeasterly line of Herbert Place to a point 10
48 feet more or less southeast of the first mentioned division line
49 extension; thence southwesterly parallel to and distant 10 feet
50 measured southeasterly at right angles from the aforesaid division
51 line extension 24 feet more or less to the southwesterly line of
52 Herbert Place; thence northwesterly along the same 10 feet more or
53 less to the point of Beginning, for the purpose of relaying, re-
54 building, reconstructing or maintaining the sewer and water mains,
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No. 2

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their manholes, gates and appurtenances now laid within the lines of the above described right of way and the right to enter upon the above described right of way for the purpose of laying, relaying, rebuilding, reconstructing or maintaining additional sewer or water mains, their manholes, gates and appurtenances. Any buildings or vaults that may be constructed over or within the street vacated shall be so constructed that the City of Newark shall always have free access to the right of way reserved for the purpose of maintaining, repairing and reconstructing the present sewer and water facilities, and for the construction and maintenance of any additional sewer and water facilities.

All as shown on a map prepared under the direction of this Council, which map is hereto attached and made a part hereof and a copy of which map is on file in the office of the Chief Engineer, Department of Public Works, known and designated as Map No. 1451-V AS AMENDED, dated April 26, 1957.

Section 2. All ordinances and parts of ordinances inconsistent with the provisions of this ordinance be and the same are hereby repealed.

Section 3. That this ordinance shall take effect upon adoption and publication and according to law.

RECEIVED TO IN 12 1957
THE DAY OF SEPTEMBER, 1957

RECORD OF COUNCIL VOTE														
COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
FRONTEMPO					FARCO					TURNER				
CALLAGHAN					GALLAGHER					WALDON				
COOPER					GORDON					BRADY, Pres.				
X—Indicates Vote A. B.—Absent N. V.—Not Voting X. O. R.—Indicates Vote to Override Vote														

Adopted on first reading at a meeting of the Council of the City of Newark, N. J., on AUG 21 1957 Adopted on second reading after hearing on SEP 4 1957 Adopted on third reading and final passage on SEP 4 1957

Approved by John G. Brady President
Reconsidered By Council
Over Rids Vote
This Ordinance when adopted shall remain in the custody of the City Clerk. Certified copies are available.
USE REVERSE SIDE FOR POSTPONEMENT AND RECONSIDERATION DATA

EXCEPTING from the foregoing premises the following parcel conveyed by Pittsburgh Plate Glass Company to the State of New Jersey by deed dated May 29, 1956 and recorded June 29, 1956 in deed book 3417 page 107, described as follows:

PARCELS R6 and R7, as indicated on a plan filed or about to be filed in the Office of the Register of Deeds of Essex County, entitled "New Jersey State Highway Department, General Property Parcel Map, Route 21 (1927) Section 4C, Oriental Street to Route 21, Section 5, Showing Existing Right of Way & Parcels To Be Acquired In The City of Newark, County of Essex, Scales as Shown, December 1952";

PARCEL R6, beginning at a point in the westerly line of Riverside Avenue, where the same is intersected by the southerly line of Chester Avenue at about Station 246+20 (North Bound Base Line Stationing) and running:

Thence (1) in a southerly direction along said westerly line of Riverside Avenue, curving to the right with a radius of one thousand, eight hundred thirty-five (1,835) feet, an arc distance of one hundred twenty (120) feet, more or less to a point;

Thence (2) in a southerly direction still along said westerly line, a distance of two hundred ten (210) feet, more or less to an angle point;

Thence (3) in a southerly direction still along said westerly line, a distance of one hundred five (105) feet, more or less to its intersection with the northerly line of Herbert Place;

Thence (4) in a westerly direction along said northerly line of Herbert Place, a distance of twenty-two (22) feet, more or less to a point in the proposed westerly right of way line of Riverside Avenue Relocation, distant twenty-four (24) feet northwesterly from, measured radially to the base line of said Riverside Avenue Relocation, as laid down on the aforesaid plan at about Station 241+78 (North Bound Base Line Stationing);

Thence (5) in a northerly direction along said proposed westerly right of way line, concentric with and distant twenty-four (24) feet westerly from, measured radially to the base line of said relocation, curving to the left with a radius of forty (40) feet, an arc

distance of thirty feet and eighty-seven hundredths (30.87) of a foot, more or less to a point of compound curvature at Station 4+45.62 (Riverside Avenue Relocation Stationing);

Thence (6) in a northerly direction still along said proposed westerly right of way line, concentric with and distant twenty-four (24) feet westerly from, measured radially to the base line of said relocation curving to the left with a radius of one thousand, fourteen feet and twenty-four hundredths (1,014.24) of a foot, an arc distance of eighty-four (84) feet, more or less to a point of reverse curvature at Station 3+60.29 (Riverside Avenue Relocation Stationing);

Thence (7) in a northerly direction still along said proposed westerly right of way line, concentric with and distant twenty-four (24) feet westerly from the base line of said Relocation, curving to the right with a radius of one thousand eighty-one (1,081) feet, an arc distance of two hundred (200) feet, more or less to a point of tangency at Station 1+65.42 (Riverside Avenue Relocation Stationing);

Thence (8) in a northerly direction along said proposed westerly right of way line of said Riverside Avenue Relocation, as laid down on the aforesaid plan, a distance of fifteen (15) feet, more or less to a point in the dividing line between lands of the party of the first part hereto on the south and lands now or formerly of the Raymond Realty Co on the north;

Thence (9) in an easterly direction along said last mentioned dividing line, a distance of three (3) feet, more or less to a corner;

Thence (10) in a northerly direction along the dividing line between lands of the party of the first part hereto on the east and lands now or formerly of said Raymond Realty Co. on the west, a distance of one hundred thirteen feet and thirty-one hundredths (113.31) of a foot, more or less to a point in the aforesaid existing southerly line of Chester Avenue;

Thence (11) in an easterly direction along said existing southerly line of Chester Avenue, a distance of one hundred five feet and sixty-four hundredths (105.64) of a foot, more or less to the point and place of beginning;

CONTAINING seven hundred eighty-two thousandths (0.782) of an acre, be the same more or less;

PARCEL R7, beginning at a corner in the northerly line of Chester Avenue, common to lands of the party of the first part hereto on the west and lands now or formerly of Erie Railroad Company on the east at about Station 246+89 (North Bound Base Line Stationing) and running:

Thence (1) in a westerly direction along said northerly line of Chester Avenue, a distance of one hundred two feet and six tenths (102.6) of a foot, more or less to a corner;

Thence (2) in a northerly direction along the dividing line between lands of the party of the first part hereto on the east and lands of the State of New Jersey, formerly Joseph Keane, on the west, a distance of ninety-two feet and forty-three (92.43) hundredths of a foot, more or less to a corner;

Thence (3) in an easterly direction along the dividing line between lands of the party of the first part hereto on the south and lands of the State of New Jersey, formerly of Joseph Keane, on the north, a distance of one hundred one feet and three tenths (101.3) of a foot, more or less to a point in the dividing line between lands of

Thence (4) in a southerly direction along said last mentioned dividing line, a distance of eighty-nine feet and ninety-seven hundredths (89.97) of a foot, more or less to the point and place of beginning;

CONTAINING two hundred fourteen thousandths (0.214) of an acre, be the same more or less;

TOGETHER WITH all right, title and interest that the party of the first part hereto may have in and to Herbert Place, Riverside Avenue and Chester Avenue, adjoining the above described premises;

AND ALSO the right to construct and maintain on other lands of the party of the first part hereto, a sub-surface drain with a catch basin, at the westerly terminus thereof, said sub-surface drain to extend for a distance of about five (5) feet westerly from the proposed westerly right of way line of the aforesaid Riverside Avenue Relocation at about Station 3+65 (Riverside Avenue Relocation Stationing);

AND ALSO the right to form and maintain slopes on other lands of the party of the first part hereto, on the westerly side of the aforesaid Riverside Avenue Relocation, said slopes to extend westerly therefrom substantially as far as the line marked "Slope E" on the aforesaid plan;

PROVIDED, HOWEVER, that the above recited slope easement may be annulled by furnishing and maintaining adequate support or protection for the highway so as to make the continuance of the slope right unnecessary.

The first four tracts were conveyed to the grantee herein by deed from Patton Paint Company, by deed recorded in Book U 64 pages 367-370.

The fifth tract was conveyed to the grantor herein by deed from Erie Land and Improvement Company recorded in deed Book L 72 page 28-30.

The sixth tract grant was conveyed to the grantor herein by the State of New Jersey which is recorded in Liber H 1 Folio page 75.

The seventh tract was conveyed to the grantor herein by deed from the City of Newark recorded in deed book X 97 page 299-301.

The eighth tract was conveyed to the grantor herein by deed from the City of Newark recorded in deed book I 98 page 106.

The conveyance of the first four tract herein includes the Riparian Right grant made by the State of New Hersey to Patton Paint Company recorded in Liber P Folio 187 and also recorded in the Register's Office in deed book D 36 page 587

Together with all and singular the houses, buildings, trees, ways, waters, profits, privileges, and advantages, with the appurtenances to the same belonging or in anywise appertaining:

Also, all the estate, right, title, interest, property, claim and demand whatsoever, of the said party of the first part, of, in and to the same, and of, in and to every part and parcel thereof.

To have and to Hold all and singular the above described land and premises, with the appurtenances, unto the said party of the second part, its successors ~~heirs~~ and assigns, to the only proper use, benefit and behoof of the said party of the second part, its successors ~~heirs~~ and assigns.

out

And the said party of the first part

for itself, its successors ~~heirs, assigns, and assigns~~ does covenant, promise and agree to and with the said party of the second part, its successors and assigns that it has not made, done, committed, executed or suffered any act or acts, thing or things whatsoever, whereby or by means whereof the above mentioned and described premises, or any part or parcel thereof, now are, or at any time hereafter shall or may be impeached, charged or encumbered, in any manner or way whatsoever. except as aforesaid.

In Witness Whereof, the party of the first part has ~~not~~ ~~caused~~ ~~these~~ presents to be signed by its proper corporate officers and caused its proper corporate seal to be hereunto affixed, the day and year first above written.

Signed, Sealed and Delivered }
in the Presence of }

PPG Industries, Inc.

Assistant secretary

Vice President

853230070